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FARRAGO.

CONTAINING

ESSAYS,

MORAL, PHILOSOPHICAL, POLITICAL, *and* HISTORICAL:

ON

SHAKESPEARE,	GOVERNMENTS,
TRUTH,	POLITENESS,
BOXING,	ENNUI,
KINGS,	INGRATITUDE,
RELIGION,	FORTUNE,
COMMERCE,	POLITICS, &c. &c.

ABSTRACTS *and* SELECTIONS *on Various Subjects.*

IN TWO VOLUMES.

Quidquid agunt homines, votum, timor, ira, voluptas
Gaudia, discursus, nostri est Farrago libelli. JUV.

PUBLISHED FOR THE BENEFIT OF THE SOCIETY FOR THE DISCHARGE AND RELIEF OF PERSONS IMPRISONED FOR SMALL DEBTS.

VOL. I.

TEWKESBURY:
Printed and Sold by DYDE and SON.
Sold also by P. ELMSLEY in the Strand, and G. and T. WILKIE, Pater-noster-row, London.
M,DCC,XCII.

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DOMINO,	ENNUI,
KINGS,	INGRATITUDE,
RELIGION,	[illegible]UNE,
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TO THE

SOCIETY

FOR THE

DISCHARGE AND RELIEF

OF PERSONS

IMPRISONED FOR SMALL DEBTS.

GENTLEMEN,

YOUR Inſtitution, viewed in a Political light, is wiſe; as Humane, is above Praiſe; Bene quidem dictum eſt, homines maxime Deum imitari, cum beneficia conferunt.

The bleſſings of Lovers, Wives, Parents, and Children, in their frantic joy, when receiving their long-loſt Friends at your hands, are due to your Benevolence.

Permit me to offer my Aſſiſtance, in the Way I think moſt likely to forward the Cauſe you have in hand.

I have the Honour to be,

Gentlemen,

Your moſt obedient Servant,

THE AUTHOR.

THE

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ESSAYS.

ESSAY I.

Of SHAKESPEARE.

Spiritus intus alit, totamque infuſa per Artus
Mens agitat molem,——

VIRG.

In this choice work, the God himſelf we find
Mixt with the maſs; HE, fill'd the mighty mind.

SO much has been written concerning our favorite author, that if the ſubject were not inexhauſtible, what any one may have to add, might very well be diſpenſed with; but there will ever be cauſe for the exertion of the moſt enlightened mind, when the exalted merit of this more than mortal, is in queſtion; an irreſiſtable fervour agitates us, the contemplation of his powers urges the mind to

find a form of words, adequate to the ſubject and to its own feelings.

If all other books, and the memory of them, were obliterated, his works alone would illumine the underſtanding of the nation, his ever-blooming irradiancy, his unexampled fame, will always be in proportion to the capability of the human mind, as that expands, his tranſcendent mode of information will always be found adequate to the filling it, with admiration and delight.

We muſt do the juſtice to Garrick, of acknowledging that his exhibitions of ſome characters, like the chiaro obſcuro of a picture, brought forward many beauties, which would not ſo readily have obtained their value in the general notice. It is now more than thirty years that the thermometer of Shakeſpeare's glory, which is graduated to the end of time, has been conſtantly riſing.

Of the mind of every other author we can allot the true value of his acquirements, and apportion the *quantum meruit* of his genius, by the common ſtandard, but here we are at a loſs for a compariſon.

When we ſee him within the compaſs of a

few

few years, an idle libertine in the country, and then furniſhing plays in the capital, and thoſe performances ſo much above the caſt of mind of the audience, which in general was beſt pleaſed with what we now reject, it ſtrikes us with ſurprize: The giddineſs of youth might naturally enough precede the moſt comprehenſive dormant genius; but at a later period, the hiſtory of his holding horſes at the play-houſe, with his aſſiſtant blackguard boys, "puzzles the will," and ſtifles all analyſis.

It is in genius, in that divine emanation, which in its nature is inexplicable, that we are to ſeek the means of reſolving this problem.

The author fears, that he may not have the good fortune to explain to others, what he himſelf finds no difficulty to underſtand; He thinks the *flatus Dei*, the divinity within, might dictate thoſe comprehenſive forms of ſpeech, which paſſed through Shakeſpeare's mind, unnoticed, but as relative to his ſubject; intirely without that great effect they communicate to others, and that they were not in any ſenſe the reſult of reflection, labour, and contrivance, like the

compoſition of other writers, from him thoſe wonders fell, as the ripe acorn unheeded by the oak.

To make this more clear, let us deſcend ſome ſteps from Shakeſpeare, and in La Fontaine, we have an inſtance of this magic. Thus ſpeaks La Bruyere who was his contemporary.

" What ſhall I ſay of a turn for play, can any one define it for me? is it unneceſſary to have foreſight, art or cleverneſs, to play at cheſs or ombre? but if not ſo, how comes it that ſimpletons ſhall excel, and ſome of refined underſtanding ſhall not be able to attain a mediocrity only; to whom a peice, or a card in their hands, ſhall trouble the ſight, and make them loſe countenance?"

" There is ſomething, if it can be, yet more incomprehenſible; a man to appearance vulgar—heavy—ſtupid, knows not how to ſpeak, nor relate any thing that he ſees; if he ſits down to write, it is the model of good ſtory-telling he makes the animals, the trees and ſtones to ſpeak, every thing that ſpeak not: there is nothing but frolic, elegance, nature, and delicacy in his works."*

Every

* Les Characteres de Theophraſte, tom. 2. p. 114.

Every perſon has noted of his acquaintance, that ſomething which mere chance called forth, has ſet a particular perſon in quite a new point of view. A very ſilly man or woman, may write a card to be admired even, and the verieſt clown, ſhall in ſome difficulties attending his employ, direct a meaſure that Archimedes would have been proud of. Every perſon has a portion of genius, though that portion is oftentimes buried with them; like the ſpark in the flint, it lies hid, unleſs the colliſion of ſomething fitted for the purpoſe, ſhall call forth it's fire.

A RHAPSODY.

DOST thou love pictures?—Look here upon this picture—that has ſo dazzled my reaſon's light.——How infinite in faculties!—in apprehenſion how like a God!—of moſt excellent fancy, either for Tragedy or Comedy—I know not which pleaſes me better—He would drown the ſtage with tears—Then! ſuch ſhaping fantaſies, for jeſt and courteſy! the top of admiration.——

If I ſhould anatomize him to thee as he is—his poſſeſſions are ſo huge—there is not chaſtity

chaſtity enough in language to utter them—of wondrous virtues! he is a good divine—a ſcholar and a ſoldier—ſhines brightly as a king—a judge—a counſellour—and of government, the properties to unfold, as pregnant in, as art and practice has enriched any—and gives to every power, a power, above their functions, and their offices—never ſchool'd, yet learned—and for the liberal arts without a parallel!—Before my God I might not this believe, without the ſenſible and true avouch of mine own eyes.

Admiring of his virtues—let me have audience for a word or two of commendation—Heaven nature charg'd, that one body ſhould be filled with all the graces—'Tis He! This is He!—His words are my ſoul's food—ſcrew'd to my memory—of more value than ſtamps of gold—He's all my exerciſe, my mirth, my matter—He makes a July's day ſhort as December—Cures in my thoughts, that, ſhould chill my blood—I count myſelf in nothing ſo happy, as in a ſoul rememb'ring all his matchleſs graces.——

But, He's gone!—and my idolatrous fancy muſt ſanctify his relicks—I do beſeech you, whither is he gone?—I ſpeak to you, Sir—

you

you are certainly a gentleman—clerk-like experienc'd—I pray you mark me—I will propheſy—He is in heaven—ay, by my life—doubt it not—come deal juſtly with me—by your ſmiling you ſeem to ſay ſo—there's a kind of confeſſion in your looks—if you think other, remove your thought.—I never ſhall be ſatisfied till I behold him—to come into his preſence in the court of heaven.——

I do entreat your patience—by the world I count no fable—this is all true, as it is ſtrange—think not I flatter—not I, for this fair iſland—that would diſhonour him—I ſwear I do not—by each particular ſtar in heaven, and all their influences—for what advancement may I hope?—no—let the candied tongue lick abſurd pomp, where thrift may follow.—Far behind his worth come all the praiſes that I now beſtow—well learned is that tongue that well can him commend—I ſpeak not this, that you ſhould bear a good opinion of my underſtanding—aſſure you—I am ſorry that with better judgment, I had not quoted him.

This is not my writing, though I confeſs much like the character—all this I ſpeak in print—for in print I found it.——And ſo, fare you well.

Our

OUR SHAKESPEARE only, has the god-like art,
To rouze each paſſion ſlumbring in the heart;
Can pangs of rage, and jealouſy impoſe,
And then with pity every wound can cloſe;
Make airy nothing ſome ſtrange body fill,
Then hail it tyrant, of the human will;
O'er earth, croſs ſeas, through air, from pole to pole,
Can waft in rapture, all the yielding ſoul;
When e'er the maſter waves his magic wand,
The ſenſe reſiſtleſs, owns his dread command.

ESSAY

ESSAY II.

Of BOXING.

Multa cavo lateri ingeminant et pectore vaſtos
Dant ſonitus, duro crepitant ſub vulnere malæ,
——————— *Craſſumque eruorem*
Ore rejectantem, mixtoſque in ſanguine dentes.

VIRG.

Againſt the ribs their rawbon'd fiſts they fling,
Their breaſts and chops with ſtrokes redoubled ring,
Till clotted blood, and teeth the ground pollute,
Belch'd from the victor, and the vanquiſh'd brute.

HOW far it may be neceſſary for the ſubſiſtence of the human ſpecies to ſhed blood, we ſhall not inquire, but in India, where a philoſophical ſearch after the hiſtory of the earlieſt tranſactions of mankind naturally conducts us, we find, that the meekeſt and perhaps the moſt happy people, if left to themſelves, ſubſiſt without ſhedding blood. If in colder regions the climate de-

mands a groſſer food, than ſatisfies nature there, and men were induced to attack the innocent herds of cattle which confidently approached them, we may perhaps have ſet the example to the wild beaſts; if we took the hint from them, we claim however the pre-eminence in ſavage cruelty, ſince they, each in their particular ſpecies, have always preſerved a diſtinguiſhed tenderneſs to their fellows.

If war be really neceſſary, the keeping up a ſanguinary ſpirit, and thirſt after blood, becomes ſound policy; the Romans, whoſe traffic was in carnage, might have thought thus, when they regaled the citizens with the fights of gladiators, and combats between men and beaſts,* for they had to encounter, at different times, the moſt ferocious of the human race.

We ſhall endeavour to ſhow how Boxing came into vogue in the eighteenth century, died away, and in the latter part of it, was revived; and why the Greeks upon political principles, refuſed to encourage gymnaſtics.

* They conſtantly procured great numbers of wild beaſts from Africa for the amuſement of the citizens.

About

About fifty years ago, prince William Auguſtus duke of Cumberland, countenanced pugiliſts, which brought on the decline of what was called the noble ſcience of defence, with the broad ſword; for it was at that time cuſtomary for prize-fighters, as they were termed, to entertain the public with exhibitions of their art; the heroes paraded the market-places on horſeback in their ſhirts, with their heads bare, ornamented with ſcars; on the ſword arm was tied a ribbon, which might be fancied the favour of ſome fair one, and at the ſame time ſwelled the muſcles of the arm, and gave it a more vigorous appearance; a ſlight cut or two, that the ſpectators might have ſome blood for their money, decided the combat.

This country is much indebted to his royal highneſs, for infuſing that military ſpirit which has ſhone with ſo much luſtre, but whether he really believed it uſeful to encourage Boxing, to rouze the dormant courage of the nation, we cannot ſay; but many have been perſuaded, that a cold indifference to the ſight of blood and wounds, is of uſe to gentlemen who are not of the Clare-market fraternity.

As wars are now managed between us and our enemies, a little more than negative courage is ſufficient; we are ſo unacquainted with rancour and malice, that apologies and conſolations accompany every defeat of the enemy; and who can ſay, but in the progreſs of improvement of the human mind, the more enlightened parts of Europe, may at length aſſert the prerogatives of our nature, and that kindneſs and humanity may ſo far prevail, as to ſet us above a compariſon with the prowling Lyon.

It is aſſerted by Galen and was obſerved by Xenophon, that boxing, wreſtling, and the other violent exertions of ſtrength, were attended with defects in ſome parts of the body; the boxers and wreſtlers waſted from the haunches downwards, whilſt thoſe who engaged in running and leaping, waſted from the head to the haunches, and many died in early youth of conſumptions. They who threw the diſk or quoit, had the carnoſity of the arm greatly increaſed, and the neck loſt its natural flexibility. To ſome it may appear that theſe exerciſes might be made uſeful if moderately purſued, but it is in the nature of emulation to know no bounds, nor medium; one effort produces a greater,

a greater, and the victor and conquered are equally enervated by the means they take to render themſelves more robuſt.

Solon perſuaded the Athenians to allot the recompences beſtowed on the athletics for the maintenance of orphans, rather than nouriſh thoſe who were uſeleſs both in peace and war; for according to an expreſſion of Euripides, they were the worſt ſoldiers in Greece. Theſe men were drawn from the moſt vile populace, and if ſome of our boxers may pretend to be of a better caſt, it muſt be owing to the encouragement from their ſuperiors, that they have taken up an employment ſo atrocious.

If we did not know ſome who are generous and courageous, who through habit and careleſſneſs of conduct, attend theſe fights, we ſhould pronounce againſt the poſſibility of ſuch virtues inhabiting the boſoms of thoſe who can be diverted by ſeeing two naked men hammering each other, till their faces and bodies are covered with blood and contuſions; the pertinacity of the man who is knocked down as faſt as he can riſe, gives us rather a proof of his baſeneſs, than of his courage, and ſhould diſguſt every reaſonable man;

man; for he is animated to act this brutal part, from a desire of satisfying the connoisseurs, of whom he is to receive the wages of sin.

ESSAY

ESSAY III.

Of FRIENDSHIP.

——— Et moriens animam abſtulit hoſti,
Tum ſuper exanimem ſeſe projecit amicum
Confoſſus, placidaque ibi demum morte quieſcit.
VIRG.

Robb'd of his friend, and wounded, ſtabs the foe,
Then claſpt in death, they ſeek the realms below.

FRIENDSHIP is generally the work of a natural impulſe, without premeditation or deſign; if it is aſſiſted by the *mores conſimiles*, it ſoon becomes an unguarded confidence, reciprocally beſtowed, 'till at length it takes the appearance of a religious compact. In ſome it is a charm that ſoftens all the diſagreeable accidents which attend human life; it is a conſolation to thoſe, even, whoſe conduct is in other reſpects void of all ſenſe of honour, who obſerve no other compact

compact of ſociety; in thoſe who follow the dictates of innocence, it approaches, in it's effects, to that ſovereign balm, which preſerves human nature from decay.

Almoſt all the foundations of friendſhip laid in early life, are intirely diſintereſted, which a knowledge of the world, in minds not vulgar, rather ſtrengthens.

Friendſhips, whoſe baſis is in the exchange of ſocial civilities, are likely to have no longer continuance than whilſt the ſun ſhines; a lively agreeable man may have as many of theſe as he pleaſes, and if from his frankneſs of heart he admits a warmer attachment than may belong to others, whilſt it laſts, he has the advantage; if any misfortune befalls him and he eſtimates his friends by his own feelings, he may chance to ſuffer a diſappointment.

Donec eris felix multos numerabis amicos,
*Tempora ſi fuerint nebula, ſolus eris.**

But let us diſregard all trite ſayings that circumſcribe the human mind, it is ſometimes found that friendſhip will ripen and bear fruit

* Friends you may have, while pleaſure you beſtow,
All hate and ſhun a diſcontented brow.

early

early in ſome breaſts, with very little cultivation.

We believe that there are more good actions ſpring from whim and caprice, than from the beſt regulated moral conduct. Every body knows, there are more whimſical men than philoſophers, but no one knows the motive of generoſity in another, nor is it our buſineſs.

A breach of friendſhip is generally accompanied with very atrocious behaviour on one ſide; to form a friendſhip there muſt always be the appearance of a more than common kindneſs, to engage another in a like predilection for ourſelves; to cover the levity and injuſtice of finiſhing this commerce, the traitor generally begins by calumniating his friend, relying on the partiality of that boſom, wherein he lodged his poiſon; and in this he does, what he often dares not do even to a perſon who has offended him.

Cæſar repelled all the aſſaſſins as they advanced, till he ſaw Brutus, he then wrapped his face in his garment, and bowed his head; the friend, and not the poniard, terrified the hero.

The duke de Rochefaucault, firſt broached this falſe maxim, "In the adverſity of our friends we always find ſomething that does not diſpleaſe us." Dean Swift, who was a diſappointed man, humourſome and petulant, ſeems to exult in this diſcovery. In the beſt palliation of it, in the deſire to give aſſiſtance to our friend, the motive is unfriendly, and unwiſe, although not quite ſhameful.

Lucretius was a better moraliſt:

Suave mari magno turbantibus æquora ventis
E terra magnum alterius ſpectare laborem,
Non quia vexari quemquam eſt jucunda voluptas,
Sed quibus ipſe malis careas, quia cernere ſuave eſt.

From land if pleaſed, while ſome the billows brave,
We view them ſtruggling 'gainſt a wat'ry grave,
In the diſaſter we no pleaſure find,
Our ſafety, not their danger, cheers the mind.

If this unkindneſs were a natural defect, we ſhould have much more to deplore in our conſtitutional make, but as we know an inſtance to the contrary, we preſume there are many who never found ſuch a thought floating in the mind, even for a moment; but where that may be the firſt impreſſion, if it is ſubdued immediately, like many other mental ſuggeſtions againſt a ſtrict moral conduct,

duct, in the ſtate of our probation here, the reſiſtance makes a part of what we make no ſcruple to call, a pious diſcharge of our duty. A good man may be tempted to appropriate to himſelf a ſum of money intruſted to him, where no means of detection can follow; but if he reſiſts it, there would no ſtain remain on his character, if he were publickly to own that he had been ſo aſſailed. A never-failing ſpontaneous deſire to do good, is above our nature.

Rochefaucault ſays too, "That what we call friendſhip, is only a reciprocal management of intereſt, and an exchange of good offices; a commerce where ſelf-love always expects to gain ſomething,"—"That you ſhould love ſo, as you may one day hate,"—"That, it is a proof of little friendſhip, not to perceive the coolneſs of a friend," and yet he ſays in another place, "That it is more ſhameful to ſuſpect a friend, than to be deceived by him;" and in twenty-ſix maxims on this ſubject, there is like want of conſiſtency.

Lord Cheſterfield has recommended Rochefaucault's Thoughts and Maxims, of which we think, "that notwithſtanding it has enjoyed

a great reputation, it is ſometimes unintelligible; it contains many truths of an old date, with ſome reflections that are juſt and ſenſible; many things diſguſting, which repreſent man as an incorrigible beaſt; and very few maxims that are uſeful and improving."

Let us hear honeſt Montaigne, who ſuffered the inward man to go his courſe, without curbing him, in order to ſhow his own ingenuity: "What I call friendſhip," ſays he, "is indiviſible, each gives himſelf ſo intirely to the other, that there remains nothing that can be ſelf-appropriated. He is vexed that he has not two or three ſouls, all intereſted the ſame way with his ſingle one; it is a miraculous way of doubling one's ſelf, or one ſoul in two bodies; there is no giving or lending; if there is a diſtinction, the receiver confers the favour; if I wanted any thing of my friend, I ſhould ſend to redemand it, as if he had formerly received it of me."

This we confeſs is an enthuſiaſm that is not, that cannot burn, in every breaſt, but there are many degrees of friendſhip between this, and the meanneſs of Rochefaucault's bleſſed

bleſſed commerce; but it muſt be the fate of every thing that is governed by the diſpoſitions and reaſonings of mortal men, to be ſubject to an infinity of deſcriptions; ſo that general definitions prove only the vanity of thoſe, who attempt to circumſcribe the human mind by a kind of oracular deciſion. As the neceſſity of loving one another is ſo evident, it is wonderful that a pleaſure ſhould be found in propagating things, that tend to diſunite, and make us odious to each other; and, that perſons in other reſpects of good underſtanding, ſhould ſo readily adopt them.

There is nothing has ſuch influence on the human mind as the voice of a friend; we know he ſtudies our own intereſt; he may make a miſtake, but he will not deceive us: The unfortunate man who is without a friend, is doubly miſerable if he has ſenſibility; for though his friend may not have the power to take the load from his ſhoulders, the contemplation of his ſincere deſire to do it, is a great conſolation.

A man often wants more force than his own to ſuppreſs ſome deſires that might prove injurious to him; the advice of a friend is the only check on ſuch an occaſion, he ſees the

the things in a clear point of view, whilſt the other is blinded by paſſion or folly.

In the tender love between the ſexes, if in a due courſe of time the attachment changes to a warm friendſhip, it is the triumph of unequivocal virtue.

ESSAY

ESSAY IV.

Of GOVERNMENTS.

——*Pauci reges, non regna colunt.*

SEN.

How few who wait obſequious round a throne,
The country's welfare ſeek, and not their own!

THE nature and origin of different Governments have employed the reflection and ingenuity of many writers, the greater part of whom have adopted a ſyſtematic reaſoning, to dreſs up a theory that ſhould meet the particular kind of Government of which they were treating, rather than trace it through the changes and chances it had undergone, before it aſſumed the character it is known by; in doing which they abandon the harder taſk, they frame arguments from what they ſee effected, and call their

their deductions from them, the principles of this or that government.

The great Monteſquieu has ſhown us what he deems to be the principles of the republican, monarchical, and deſpotic, Governments, but he left us to find out that there is none of thoſe reſpective Governments at this time, nor ever were, which grew out of thoſe principles, or did ever ſubſiſt by them.

Governments are ſubject to mutability equally with every other thing in the world, however gradual and imperceptible in their changes, when compared with thoſe things, which are more particularly the object of our ſenſes. Our own, which is well defined for the moſt part by a ſyſtem of poſitive law, is however different, in many inſtances, from what it was in the reigns of George the firſt and ſecond; and within theſe laſt thirty years it has undergone very viſible changes: The ſame may be ſaid of every Government in Europe.

They who trace the origin of Government from domeſtic ſubordination, indulge in the luxuriance of fancy; it may hold good thus far,

far, that the coalition of members of all Governments were at firſt of ſmall numbers, who had experience of no other ſubjection, than that which is natural or domeſtic; but the principles that are the life of domeſtic happineſs, though they may influence the mind of a good magiſtrate in a ſmall degree, are unfit for his general application; the functions of a father of a family are eaſily diſtinguiſhed from the fundamental and neceſſary laws of ſociety. The voice of nature is the beſt counſellor to a good father, but would be a falſe guide to the magiſtrate, who muſt follow no other rule than the public reaſon, or the law; it is not, therefore, difficult to find good fathers, but to find men fit to govern others, is no eaſy taſk, as we may learn from hiſtory.

It ſeems at firſt ſight no groſs preſumption to point out eſſential improvements in the beſt Government, and to carry them ſo far, as to exclude all the ſources of injuſtice and diſcord, and to embrace every thing ſalutary; but we have lately ſeen how difficult it is to arrange the combination of qualities ſo heterogenous, as are involved in a machine ſo very complex. The American States, who have the advantage of ſo many models, may

be eſteemed very fortunate, if they put any thing together, that will keep out the weather for a long time; and the French may teach us, how many inconveniences attend very material alterations in a fixed form of Government; inſomuch that we may deem it impoſſible to be effected, but in a long courſe of time and experience.

The Americans are likely to ſucceed ſooner than the French, becauſe of the greater diviſion of landed property. It is difficult to give a poor man true ideas of liberty; he underſtands it only as it is contra-diſtinguiſhed to confinement.

Concerning the cauſes of the French Revolution, it may be obſerved, that for fifty years paſt, the Government had been more oppreſſive than any in Europe, if the nature of its conſtitution, and the ſpirit of the people, be conſidered; a determination to love their prince, ſeems to have been the magic that kept every thing in its place.

The laſt years of Louis the fifteenth, were ſo profligately diſreſpectful to his ſubjects, that it was wonderful there was no revolt; the whole nation was ſenſible of their ſituation,

tion, the language of the parliaments was intelligible to the meaneſt capacity, and filled every mind; it was the language of the ancient republicans, and at the expence of the fortunes and liberties of the patriots who uſed it, in their remonſtrances to the prince. Let any one reflect that no miniſter had dared to refuſe the payment of thoſe enormous ſums, drawn for by Madame du Barri, and her minions; for this irregularity in the treaſury was not limited to herſelf.

It is ſaid, that among the papers of the late king of Pruſſia, was found one, which, in a manner, predicted the event which has happened, from the publication of certain philoſophical or atheiſtical writings of Diderot, D'Alembert, and ſome others; Mr. Burke makes this alſo the chief cauſe of the revolution; impoſing as ſuch authority may appear, we ſhall venture another opinion.

It may be allowed that an emancipation from the enthuſiaſm of a religion not reaſonable, may ſtrengthen the mind, and fit it for bolder diſcuſſions, than it would have otherwiſe engaged in; but we believe the increaſe of taxes from the American war, and the very reprehenſible conduct near the

throne, had more influence on this occaſion.

Is it difficult to believe that a wounded ſoldier in an hoſpital in America, ſhould reflect, that he had been ſhedding his blood to ſecure liberty to a people, who were oppoſing their ſovereign; a people, whom, a few months before, he had conſidered as the enemies of his country, and that he was to return home, to a nation, which had not the ſpirit to reſent the injuries they complained of? Is it a miracle that an army with theſe notions, ſhould infect the whole maſs of people when they got home, and furniſh the means of their deliverance? Is it a wonder that the fiſh-women at Paris ſhould make more converts to ſuch a cauſe, than the abſtruſe reaſoning on ſubjects incomprehenſible, in language, baſe and vulgar, as Mr. Burke calls the profane writings of the philoſophical atheiſts?

Theſe arguments lie upon the ſurface we confeſs, and may therefore be rejected by politicians, who prefer things hidden from ordinary reaſonable men.

The Czar Peter changed ſome of his Ruſſian

ſian ſubjects into the appearance of Germans, but the lateſt accounts inform us that the effects upon the whole empire were not very conſiderable, and there is perhaps an equal chance of its going back in another century to its former uncivilized manners; as to its advancement to a compariſon with the moſt poliſhed countries in Europe: In a deſpotic ſtate every thing depends on the prince.

We know that there muſt be changes in the nature of all things which are the objects of the laws; of courſe the laws ought to be accommodated to the changes: Religion, commerce, manners, riches, increaſe of territory, or loſs of a part, and an innumerable detail of circumſtances, make it neceſſary that their influence ſhould be attended to; how many ſtatutes are now obſolete and unrepealed, that originally were framed in wiſdom? but innovations are nevertheleſs dangerous, when there is a chance of their affecting any of the great wheels of the political machine; it is better to ſit down under an evil, the extent of which is known, than to riſk an encounter with what may prove a greater; for ſome inconvenience will attend every thing of human conſtruction.

The

The inquiry concerning the origin of nations, is ſo encumbered with uncertainty, as to render it as diſſatisfactory as the ſearch after the firſt ſettlement of the elephants; and that of the different Governments is no leſs perplexed. The firſt inſtitutes of whatever nature they might be, were impoſed by the force of mind and body of one, or a coalition with as many as were neceſſary to compel the reſt; and in what other manner is order maintained at this time, however diſguiſed in different countries, with appearances favorable to the diſpoſitions and cuſtoms of the people? The ideas concerning what is natural, and muſt, therefore, have been employed in the firſt forming any Government, and the jargon of firſt principles applied to things wholly fortuitous, is ridiculous.

It is an idle theory to pretend that a people emerging from a ſavage ſtate, ſhould fall into a regular proviſion againſt evils they had never experienced, and which were to grow out of their herding together; they were doubtleſs firſt inſtructed by ſome inconveniences becoming intolerable, before they thought of rectifying them; the next thing they learned, was to ſubmit with patience

to

to ſuch evils as a ſuperior force refuſed to remedy.

We ſee ſomething of the parcelling out conqueſts in the feudal ſyſtem of our anceſtors, and that moſt of the Governments of Europe roſe from that; but concerning the inſtitution of the feudal compact, who can inform us? we may conclude that it grew out of envy, malice, diſcord, and throat-cutting; and we know that it died away by the exertion of the ſame violences, directed to another point.

We inſiſt that no Government was ever framed, where the happineſs of the people was the firſt conſideration; though moſt ſyſtem-mongers pretend, that, this is the nature of things, is a firſt principle in the formation and coalition of ſmall numbers, to complete what we call a nation; if we are right, it could not exiſt at an early period, and if it does not exiſt now in any ſtate, let them ſhow when it did. There are ſome Governments where the happineſs of the people is never thought of, and many, where the people are conſidered only as relative to the permanence of the ſtate, as mortar in the compoſition of a wall; and yet perhaps there

is no abſurdity in ſaying, that notwithſtanding the known abſence of good intentions in thoſe who govern, the people of all countries, generally ſpeaking, prefer their own governments to others.

One may aſſert of thoſe patriots the moſt active in effecting the revolution, that their firſt idea of it ſprung from the inconveniences attending their own particular fortunes and circumſtances; that it carried with it a favour to the people they could eaſily ſee, and this could be no objection, as they muſt be the means to bring it about; but that the incitement was the intereſts and happineſs of the people, no one who is acquainted with the diſpoſitions of thoſe who are buſied in politics, can ever believe. This is not meant to leſſen the merits of thoſe who took the lead, for it would be ungrateful to deny that the public received great benefits, and that thoſe benefits could not have accrued without the interference of the moſt active.

Some Engliſh writers intoxicated with the charms of our preſent government, have affected to ſpeak of it, as a natural right and inheritance, and have inſiſted that the principles of it, have at all times exiſted againſt the

the fulleſt evidence of ſeveral inſtances at different periods, when the moſt ſtupid ſervility in all ranks prevailed in England, more than in France; we may take the reign of Henry the Eighth for one, at which time, and for many ages before, there perhaps never had been a ſingle man in Europe, capable of entertaining complete ideas of the nature and benefits of ſuch laws, as our conſtitution is compoſed of; we allow that all mankind have a natural right to freedom, and to exact from their governors ſuch things as they think conducive to their happineſs; but to argue that this was an excluſive right inherent in the conſtitution of this country, is ridiculous.

The ſtruggles of the nobility for leſſening the power of the reigning princes, prove nothing relative to general freedom; to every one endowed with a capacity to diſtinguiſh the eſſential parts of a good Government, there is nothing more clear, than that we now live under, is ſo much above every other inſtitution, that ever did exiſt, in all the great qualities that conſtitute freedom, and ſafety of perſon and property, that no era in the long detail of hiſtory, can furniſh any thing to be put in compariſon with it;

but let no man attribute this felicity to human foreſight and contrivance. There was a time when the people of France ſtood fairer to emancipate themſelves than we did; the king of England copied the French king in granting privileges to the burghers to enable them to oppoſe the nobility; this was the firſt ſtep to our general freedom, though by no means intended to introduce the conſequences; in the round of viciſſitudes we have attained what the French at that time did not acquire, and we ought to acknowledge that thoſe who found it, were in ſearch of they knew not what; we owe our glorious ſituation to the pertinacity of a deluded and deluding hot-brained enthuſiaſm, and not to the quiet fervour of philoſophy and good ſenſe.

It is eaſy to ſuppoſe that the lower orders of people in ſome countries in Europe, may prefer the Government under which they have been brought up, to that we make our boaſt of; accuſtomed from their firſt acquaintance with life, to a ſlaviſh obedience to their ſuperiors, they know of nothing more natural, and ſo long as they feel not the ſcourge of injuſtice, they have no cauſe of diſcontent.

The

The pride attending power and pre-eminence in the nobility of thoſe countries, is alike natural; they think it very reaſonable that they ſhould be eſteemed of more value than the common people, of whoſe origin from the duſt of the earth, they have a ready conception; it is not in the nature of man to be diſguſted with undiſturbed favour and diſtinction. There are ſome gentlemen here, not quite contented with the ſmall diſtinction, as they think it, between themſelves and their inferiors: The blackguard is as apt to over-rate the majeſty of his perſon and prerogatives, as the gentleman may be; and, in a violent diſpute for preference, if the gentleman cannot ſhow, by a ſyllogiſm drawn from bone and muſcles, that he too is ſprung from earth, he muſt ſubmit, and reckon his temporary degradation amongſt the taxes he pays for being a gentleman.

We juſtly admire our ancient inſtitution of trials by juries, as the moſt likely means to come at an impartial deciſion; it bears, however, the marks of human imperfection, owing perhaps, in ſome meaſure, to the time of its birth, when there were only two ſorts of people in the kingdom, the nobility and

commonalty. There are many caſes where the common run of jurymen are incompetent judges, of what may nearly affect a man's honour and his life; it would be very difficult to provide againſt it, but the fairneſs in the proceedings in our courts, makes it indeed almoſt unneceſſary.

The Canadians ſince they fell under our dominion, preferred the ſummary mode of military law, to trials by jury; and amongſt that rank too, we ſhould be apt to conclude, ſtood moſt in need of protection: but there is a fallacy in judging of others from our own feelings. Thoſe who have never ſeen an inſtance where it was the duty of a ſuperior to liſten to their complaints, and whom they could compel to render them juſtice, have ſo debaſed an opinion of themſelves, that they are incapable of conceiving any thing like our laws. Suppoſe our Government offered to the Turks, it is likely it might appear ſo repugnant to their ideas, as to be rejected; to ſay nothing of its coming from infidel dogs: a man muſt here take a great deal of pains before he can get his head taken off, and there he has the felicity of not knowing to whom it may belong to-morrow;

and

and this, in the extravagancies of the human mind, may be reckoned for ſomething: it is certain, that the pachas and other officers, who partake of power, accept it on terms that would never perſuade us; and, therefore, the precarious tenure by which a man holds his head, may have ſweets, of which we cannot judge, and perhaps may be conſidered by them, with the indifference, that the diſtinction between free and copyhold is with us: if it were the cuſtom here, for my lord duke to be regaled now and then with the baſtinado, no private gentleman, in like circumſtances, would conſider himſelf ruined in fame and fortune.

Spain is a deſpotic Government, but ſo tempered by the influence of the clergy, and ſome cuſtoms, that there is no country where pride, and loftineſs of ſelf-conceit, prevail more, among the common people: we may pretend to vie with her, but the ſame whims do not with us produce ſo much content and good order: the ſerene blue ſky of Spain foſters complacency and good humour; a drunken blackguard, a wretch loſt to all ſenſe of dignity, is unknown there.

However highly we may eſtimate our liberty,

berty, which it is to be hoped will never ſink in its value, there has been an inſtance in Europe, and in a people not a little allied to us in blood, where it was thought not worth preſerving; the commons, enraged at ſome pretenſions of the nobility to be excuſed taxation, made a preſent of their rights of every kind, to the king, who, from being elective and of very confined powers, became immediately abſolute, and his crown hereditary, and ſo continues; this happened in Denmark, in 1660, ſoon after this country had gone into the moſt violent meaſures to gain that right, which the others held of ſuch ſmall account: if the Danes are at preſent in a contented ſtate, we may aſſert, that there cannot be any thing more deluſive than the comparative ſtate of content in one country, taken from that, which may be the baſis of it in another.

Let us conſider the loweſt and moſt forlorn ſtate in which a man can be born, that of being a ſlave to the lord of the ſoil, where he is native; it appears at firſt view difficult to allot any conſolation to ſuch a ſituation, but let us not be in haſte to ſet bounds to human ingenuity; the difference there is between one maſter and another muſt be allowed to

to have a wide range, in which many flattering circumſtances may be involved; one lord may be an inhuman brute, but another may be a tender guardian through life; but taking the worſt, which is not likely to be confined to a ſingle inſtance in ſuch a forlorn ſituation, a man may perhaps have a pride in belonging to an eſtate of a larger extent or of a better ſoil than ſome others, or that in his maſter's family are reckoned a greater number of princes: and poſſibly moſt of our pleaſures, if ſeverely ſcrutinized, may be found to ariſe from impoſitions on ourſelves, no leſs groſs.

What we call liberty, and the want of it, may in different circumſtances, be of leſs conſequence in diffuſing national content than we are aware of; to ſuppreſs a little our vaunting diſpoſition, concerning the happy ſtate of our political arrangement, it may not be amiſs to recollect that faction, venality, and corruption, produce not the firmeſt foundation, on which the happineſs of a people may be placed.

Monteſquieu, after deſcribing the Engliſh conſtitution, concludes thus: "As all human things have a termination, the ſtate of which we

we have been ſpeaking will loſe its liberty, and will periſh; Rome, Sparta and Carthage have ſunk; it will periſh when the Legiſlative Power ſhall be more corrupt than the Executive." This is one of his political parables; by the ſide of which we ſhall place a ridiculous ſtory: A raree-ſhow-man was exhibiting the court of France to ſome boys; There, ſays he, you ſee the Court of France —there you ſee the King of France—and the Dauphin of France.——The lad at the glaſs cries out——which is the King of France? ——which is the Dauphin of France?—— The anſwer was, which you pleaſe my little maſter, which you pleaſe.

Ridentem dicere verum,
Quid vetat? *

* Nice ears might tingle ſhould plain truth be ſpoke,
Humour the failing, tell it as a joke.

ESSAY

ESSAY V.

Of the CIVILIZED AND SAVAGE STATE.

Omnibus una quies, venter ſenſuſque per artus,
Ingeniumque capax, varias educit in artes.
MANIL.

All ſeek for eaſe, for ſenſual joys and food,
By various arts acquire, what each thinks good.

WHETHER the animal man is more happy in the Civilized or Savage State, is a queſtion that has been often agitated under thoſe prejudices, which it were vain to hope ſhould be ſeparated from it: the mind of the moſt acute metaphyſician is preciſely as incapable of fixing the juſt value on the comforts attending the Savage Life, for comforts there are, as the ſavage man is

from eſtimating the charms which chain us down to Civil Society.

There is good reaſon to believe, that the ſavage is the more contented being; a ſhip, a watch, fine buildings, or whatever may be ſhown to him as efforts of ingenuity, awaken no curioſity in him; to ſay that he deſpiſes them as unworthy his notice, is more than we know; but it is certain that he betrays none of that admiration and anxiety about them, which can give us cauſe to believe that he wiſhes to poſſeſs the power of acquiring ſuch things.

It may be ſuſpected, that our notions of ſuperiority are ſupported by an over-weening pride in us, and not by a firm and ſettled opinion of our advantages. Curioſity and inquiſitiveneſs ariſe from doubt and uneaſineſs, from which the ſavage is free; the things we have mentioned to be rated high in our eſteem are to him as a blank or void; he reſembles the child, who was carried to St. Paul's church for the purpoſe of obſerving the effect it would have upon him; he ſaid nothing of the ſtupendous building, but a box, built for the watchman, caught his eye, as a proper houſe for a large dog that was at home.

The

The ſavage has no deſire to migrate, that he may partake of our benefits, but we are envious of many things which he poſſeſſes, whilſt we face every danger and toil to become acquainted with them; the plea of commercial views ſerves to gloſs over the confeſſion of our wants, but it alſo ſhows that we are not contented with what we already have; if therefore the diſpute is, which is the moſt contented in his ſtation, it muſt be given againſt us.

To ſay, that we ought to be more ſatisfied than the ſavage, is mere declamation; the aſſiſtance we derive from the aggregate of our ingenuity in ſociety, to whatever it is applied, is always attended with a countervailing ſomething of evil; ſo that in an exact ratio, the higher we carry our improvements to gratify our ſenſes, the more we increaſe our inability to enjoy them: to ſome, the hope of procuring them is denied; whilſt thoſe on whom they are beſtowed, are from the facility of gratification, too faſtidious to be pleaſed with them; which is the reaſon that thoſe perſons are eſteemed the wiſeſt amongſt us, who have brought themſelves to have the feweſt wants, or in other words, who in

this ſenſe, approach the neareſt to the ſtate of the ſavage, or man contented with what he has.

Rouſſeau, who from extreme ſenſibility, was incapable of properly ſuſtaining the trifling incidents belonging to ſocial intercourſe, was inclined to prefer the pleaſures ariſing from ſolitude; but how does the ſolitude of a diſguſted brain-ſick man apply to that of one in ſavage life, who is without care, but to ſatisfy his animal wants, and without reflection, but how to employ his bodily force to acquire them?

Dr. Johnſon, whoſe only enjoyment was in ſociety, would have made no heſitation in deciding againſt the groſs abſurdity of comparing the two ſtates; he would have called the under-valuing our powers of improvement a dereliction of the beſt quality of our nature; the content ariſing from idleneſs, and exemption from reflection, he would have branded with the title of the ſame atrocious perverſion of God's benefits, which juſtly condemned the fallen angels to their ſtate of miſery.

If we ſuppoſe a man to be taken from ſavage

vage life, and to become civilized, the argument will be in no better ſtate from his opinion; he would have exchanged one ſet of habits and prejudices for another, that's all. Omai had a tolerably fair trial of the difference between the two ſtates, but he has given us no reaſon to conclude that what he found amongſt us created any diſguſt in him to return to his former way of life; in Captain Cook's opinion, his acquirements of every kind would be more than counterbalanced by the evils that would attend them.

It was obſervable on the peace in 1763, after the Indian war carried on in North America by Colonel Bouquet, that amongſt the Indians were ſome young men, who had been made priſoners at a time of life capable of diſtinguiſhing between things needful and comfortable, and the want of them; who from a few years cohabitation with the Indians returned to their parents arms with every expreſſion of ſorrow and diſtreſs at parting with ſavage life, ſeeming to prefer the happineſs of their relations to their own in the conflict; and it was not doubted, that if their parents had not been preſent to receive them, they would not have quitted

their

their laſt connections, to have returned to their former; it requires ſome pertinacity to refuſe to admit theſe facts as an argument, if not deciſive, to be, however, of very great weight in favour of ſavage life.

He that ſuffers the leaſt miſery is the moſt happy, and he the moſt miſerable who feels the feweſt pleaſures: this is a diſtinction common to both the ſituations we are ſpeaking of, and deſcriptive of our negative ſtate of happineſs in this world, which muſt be meaſured by the leaſt quantity of evils ſuffered, to determine the preference: the uncultivated mind, or man in his natural ſtate as it is called, has clearly the advantage; as moſt of our uneaſineſſes are derived from reflection, which is the effect of an increaſe of our ideas and ſenſibility.

The real world has its bounds, the imaginary one is infinite, which is a kind of epitome of the human mind in its naked and cultivated ſtate. To place the queſtion in half the points of view only, that might be found appoſite, would carry us much beyond our preſent purpoſe, we ſhall therefore diſmiſs it with this aſſertion, which appears to be the true ſtate of the caſe: That we are all

all the children of habit, that man is doomed by his nature in every condition, to carry a burden equal to his ſtrength; the changes of ſituation, various as they are, from the ſavage to the higheſt perfection of civil life, are but a kind of ſhifting the load; ſo that the forlorn, unſophiſticated inhabitant of Terra del Fuego may be ſuppoſed to enjoy as large a portion of content, as the moſt accompliſhed courtier, in the moſt brilliant drawing-room in Europe.

ESSAY

ESSAY VI.

Of

PUBLIC EXECUTIONS.

THE public executions in this country have rather a tendency to harden ſuch of the ſpectators as are embarked in vicious courſes, by holding out flattering examples to them, in favour of their general maxim, "a ſhort life and a merry one," which they oppoſe to the dull proſpect of procuring a maintenance, by ſtrenuous honeſt labour.

There is no obſervation more common, than that of the condemned convicts dying well, or as the vulgar term it, "like a cock;" this often proceeds from a cauſe directly contrary to that which is aſſigned, namely, courage.

courage. An excefs of timidity to meet death, will make a man grieve till nature is exhaufted of her tears, a placid refignation follows, which is fupported by the view of his inevitable fate; befides which, the hopes of a remiffion of future mifery, through the mercies held out by religion, take place in fome, and in others, vanity, the laft vital fpark that quits the human frame, animates, even the moft atrocious, to make a momentary difplay of fomething generally admired and excites them to be emulous of that fame, which has been beftowed on others in like circumftances.

The influence of punifhments, on the fpectators, is regulated by what they fee, and whatever may be the extent of that, if it is nicely proportioned to the crime, which is not always eafy to fix, will excite the neceffary terrour, whether it be the halter, the rack, or the refinements of tyrannic cruelty.

If inftead of a public exhibition of fuch as the law had doomed to fuffer its extreme feverity, an act of parliament were paffed, for conducting the punifhment privately in the prefs-yard, and upon fome occafions, that the corpfe fhould be expofed on a ftage erec-

ted for that purpoſe, before the priſon, it might tend to fix that terrour in the minds of the common people, which is the object of the Legiſlative; the ſight of the lifeleſs lump, would raiſe many ideas in the ſpectators, concerning the ſuffrings of the ſubject of their curioſity; they would ſuppoſe cruelties in the executioner which had not been practiſed, ſuch as the refuſal of his aſſiſtance to ſhorten the pains of the puniſhment, a deni- of only one minute more of exiſtence, and a variety of other circumſtances, would croud upon their minds, of a melancholy caſt; whereas in our public executions, which are ſo frequent, the ſeries is ſo conſtantly uniform, and the ſentence executed with ſo much tenderneſs, that the fear of death in that ſhape is ſtifled in all thoſe who by their diſhoneſt habits, are forced into the conſideration, that their career will finiſh with a like cataſtrophe.

The objects of puniſhments being to deter, or prevent the criminal from doing the ſame in future, and to excite an abhorrence of his crime and infamy in others, that which is beſt proportioned to the nature of the deed, will make the moſt efficacious and durable impreſſion

impreſſion on all; in this country, the legal puniſhments are always inflicted, ſo as to convey the idea of lenient juſtice, and the total abſence of paſſion and tyranny.

The pains impoſed on Damiens, as a puniſhment for his attack on the life of Louis XV, were cruel and unjuſt, for if the cauſe be traced to its ſource, it will be found to have taken its riſe in the folly and vice of the religion of the country; to the truth of which, the expulſion of the jeſuits, ſince, bears teſtimony; and indeed it may be aſſerted, that an act ſo atrocious as the aſſaſſination of a king, between whom, and his ſubject there are ſo many intervening cauſes to ſhield him from perſonal malice, can ſcarcely ever happen but from madneſs, or the beaſtly fury of fanaticiſm.

Exceſs of puniſhments not only ſtrains the minds of the ſufferer to meet the ferocity of the law, but it is a ſpur to the commiſſion of many crimes, to avoid the penalty, which would be inflicted on one only; for which reaſon it is, that in thoſe countries where the law is exceſſive in ſeverity, the hand of the legiſlator may be ſaid to guide that of the aſſaſſin; if a man is to be tortured for a

highway robbery, he will commit a murder to prevent a diſcovery.

What mode of puniſhment is there which does not debaſe the dignity of human nature? it is painful to a generous mind to look upon the trifling puniſhment, as it is thought, of whipping; how repugnant then to the philantrophy cheriſhed in ſuch a breaſt, is the idea of deliberately inflicting death? how diſmal to reflect that the misfortune of his fellow creature originated in the neglect of thoſe whoſe duty it was to have put him in the right way, and who perhaps perverted his mind at a time it was equally diſpoſed to have received wholſome inſtruction! whilſt others urge the neceſſity of puniſhments, the philoſopher in ſilence laments, that more care is not taken by the legiſlature, to prevent ſuch calamities.

If it be hopeleſs to think of effecting in a ſhort time, the means of preventing thoſe evils which diſturb the repoſe and ſafety of ſociety, it is not ſo with reſpect to the remedy for preventing the predetermined murders, that are ſo frequently made the morning amuſement of many thouſands.

The

The ſafe-guard to the welfare of the common people is a ſpirit of induſtry, all incitements to honeſt labour, carry with them ſure means of content, and in proportion as the wiſdom of the legiſlature is exerted to attain that point, a nation is well or ill governed; many of our laws have this object in view, but a variety of accidents remote from our preſent purpoſe to deſcribe, has rendered the political ſyſtem of government in this country, and the happineſs of the people, diſtinct objects; in ſome caſes, they are at open war with each other, we find therefore the leſs to wonder at, if the conſequences ſhould fall heavy upon the lower orders of ſociety.

It is unneceſſary to enumerate the cauſes which have brought about a defection of manners, and of the morals of the common people; a concurrence of circumſtances which always accompany the purſuit of an encreaſe of commerce and riches, has had the ſame effects here, which it has had at all times and in all places, wherever it ſpreads its baneful influence; inſomuch that it may be deemed an axiom, that the greateſt commercial people is in danger of becoming the moſt ſcoundrel nation.

We

We are poſitive that the welfare of the lower people is attached to their habits of induſtry, for almoſt every ſpecies of wickedneſs which calls for the rigorous arm of the magiſtrate, ariſes from the deſertion of thoſe principles, which are known to the meaneſt capacity; and if we are certain that a man commits a robbery, becauſe he will not work, we have the proper puniſhment before our eyes.

When a man is certain that if he is convicted of a robbery he ſhall be ſentenced to labour the remainder of his life in durance, under an unrelenting taſkmaſter, it may be ſuppoſed that he will rather ſettle his inclination to maintain himſelf by an unreſtrained regulation of labour, than run the riſk of the conſtantly irkſome puniſhment attending that temporary relaxation from work, which theft or any other unlawful meaſure may furniſh.

Should this kind of puniſhment be adopted, it might check that depravity of character, which is no rarity in the metropolis, that of having decidedly given the preference in favour of idleneſs, followed by an ignominious death, when even it might happen, rather than

than to exiſt on a more ſcanty allowance, reſulting from honeſt labour.

Places might be contrived at Plymouth, Portſmouth, and all the great arſenals, where theſe people ſhould be employed to ſome national benefit, in return for their depredations on the public: a plan very different from the practice in our priſons muſt be followed, no perſon ſhould be ſuffered to ſee them, or hear of them, till their behaviour had obtained ſo much favour from their governors, who, upon a proper amendment in them, might be allowed to recommend them as proper to make a part of the civil community; the habits of daily labour, and the hopes of enlargement, would undoubtedly produce a reformation in moſt of them. Some have pretended that the ſight of ſlaves, as they term theſe people, might in time beget a want of reſpect for liberty, in the nation; our plan precludes the appearance of theſe men out of their proper place: but we think that the frequent ſight of them in the ſtreets, if requiſite, could not produce any uncomfortable ideas, when they were conſidered, as men making retribution to the public, and in the road to reformation

and

and future happineſs; whereas the Homicides we have mentioned, might diſguſt a Catabaw Indian; the odium and expence, of ſending ſo many of our countrymen to the uttermoſt parts of the earth, rather than take the pains to make them uſeful and happy ſubjects, might be avoided. It is at leaſt our duty, if we are more enlightened than our forefathers, to do all we can, that we may have no cauſe to exclaim——

Ætas parentum pejor avis tulit
Nos nequiores, mox daturos
*Progeniem vitioſiorem.** HOR.

* From age to age Vice takes a wider courſe,
Bad as we are, our ſons will yet be worſe.

ESSAY VII.

Of COMMERCE, *and its* EFFECTS.

——Lucri bonus eſt odor, ex re
Qualibet——————
Unde habeas quærit nemo, ſed oportet habere.

JUVENAL.

Through hands unhallowed ſhould your profit paſs,
Greet it with welcome, think it no diſgrace;
Take care to get enough, and none will blame,
Nor over curious, aſk from whence it came.

THE benefits of Commerce are ſo manifold and obvious, that argument is unneceſſary to recommend it as an object of national concern, of the greateſt conſequence; if we conſider it however in a philoſophical light, we ſhall diſcover ſome things belonging to it, which are generally paſſed

over by thoſe who have written on the ſubject, with the deſign only of ſetting forth its advantages; the progreſs it has made in this country within the laſt forty years has exceeded all expectation; but as it was not not only out of ſight and calculation of human reach, and in many inſtances in oppoſition to it, we muſt allow that it has ariſen out of accidents; and though it ſhould be probable that it may yet extend itſelf ſo as to produce ſtill greater riches, it muſt at all times be ſubject to a variety of circumſtances, ſome of which may be of ſuch baneful influence, as to cauſe the moſt calamitous ſpecies of ruin.

Induſtry is productive of happineſs to mankind in whatever manner it is applied; it is an inexhauſtible ſpring of profit and delight; it is a quality ſo beneficial, that a perſon who by reflection, or habit, is maſter of this turn of mind, is in a manner endowed with a ſixth ſenſe; the power and force of a nation may be multiplied to any degree to which this ſpirit can be exerted, whether it is called forth into action in war or peace; without it every thing is languid and unproſperous.

Almoſt

Almoſt all the moral and phyſical evils of human life grow out of idleneſs, and as it is the nature of man to require compulſion to bring his active powers into uſe, it ſhould be the principal care of every well-regulated community to encourage a propenſity to labour, and to plant in the members of it, a more vigorous activity of mind than nature has beſtowed; and this cannot ſo generally be effected, as by employing the labour of the people, in exchange for that of other nations, through the medium of Commerce.

Thoſe philoſophers, who inſiſt that nature has been too ſparing of that quality of the mind which ſhould induce us to reliſh labour, muſt, however, allow that ſhe does not refuſe the reward for the attainment of it; the cheerfulneſs of temper which accompanies a truly induſtrious occupation, produces ſenſations which indolence can never furniſh, even with the aſſiſtance of riches; there is no ſtate of mankind totally exempt from the neceſſity of ſometimes exerting a vigorous application of the body and mind, and all are equally ſenſible of its advantages;

*Æque pauperibus prodeſt, locupletibus æque.**

* The poor and rich alike their profit find.

It is by the national ſpirit of induſtry that the weight of our enormous debt is not only made tolerable, but uſeful; for its magnitude is only a greater ſpur, ſo long as it exceeds not ſome certain limits. Let us ſuppoſe a man to work conſtantly half the day on account of the public, and the reſt for the maintenance of himſelf and family; we ſhall find him in a happier ſituation than if he had completed his own buſineſs in half the time, and given no aſſiſtance to the public: thoſe artiſans employed in manufactures which yeild the higheſt price to the labourer, and are under the neceſſity of working only three days in the week, beſtow the reſt of the time, generally ſpeaking, in diſſipation, or in other words, in doing that they ſhould not do, and contract habits productive of poverty, and of diſcontent, which is a greater evil: a courſe of conſtant labour, to furniſh what is abſolutely neceſſary, eaſily leads a man to do ſome little more, which, in the aggregate, ſhall furniſh abundance and content. And there is nothing more ſimple and natural than this progreſſion. Upon this principle it is, that a labouring man is no poorer for a wife and children, if the price of his labour is adequate to their ſuſtenance; and many of them

them have the wit to find this out. It is a common obſervation at Mancheſter, that the manufacturers are never diſtreſſed, but when the proviſions are at a low price.

It is a melancholy circumſtance, that the huſbandman who is employed in the product of the firſt great article of national ſupport, ſhould not receive that proportionable increaſe of wages to which he is juſtly entitled, and which has been received by every other kind of labouring man for ſome time; the policy of bringing bread into the hands of all artificers at the eaſieſt rate, allows of no remiſſion of the hardſhips of the huſbandry labourer, which in this country begin to reſemble thoſe of the Helotes amongſt the Spartans of old; ſequeſtered and ſcattered over the whole ſurface of the kingdom, without the benefit of that light which is communicated by aſſociation, their ſufferings are unheeded, for their employers are in general of the moſt obdurate of heart; in thoſe of a more enlightened underſtanding, there is not that readineſs to aſſiſt a man with a large family, from the pariſh ſtock, which humanity and ſound policy preſcribe, to prevent his becoming a pariſh charge in the common mode; but indeed

deed it ought not to depend on caprice, the calls for ſeamen, ſoldiers, and labourers, are ſo urgent that it ought to be the favorite max- of the government to encourage marriages amongſt the lower orders, by granting an allowance for every child, above the number which the father is not able to ſupport, and to be continued, till the child was of age to earn as much as the annual allowance; ſome encouragement they ſhould have, leſt like the labouring huſbandmen of a neighbouring kingdom, they ſhould reſolve not to marry; they find it neceſſary in France to encreaſe population by giving portions with young women in marriage, for the exiſtence of the nation is connected with it.

To the many cauſes which have tended to increaſe the amount of the poor-rates, no perſon has been juſt enough to mention the low wages of the huſbandman, though it is eaſily ſeen, that a man with three children can but ſcarcely ſupply them with bread only from his labour; but what is his ſituation if he is thrown out of employment for three or four weeks, how is he to recover that loſs? to return from this digreſſion;

The ſelfiſh influence ſo apt to predominate in

in the nature of man, is no where ſo powerfully excited, as amongſt a commercial people, who are generally ſo blinded by it, as ſcarcely ever to ſee their true intereſt; how many in this country are alarmed on hearing that another nation is getting forward in ſome particular manufactory, and wiſh that the whole world ſhould depend on us for every thing they wanted, without reflecting that if there were no induſtry in other nations, there could be no demand for our goods, for they would not have the means of paying for them;* upon this ſordid principle it is, that with all our riches, we deny ourſelves the full enjoyment of the beſt French wines, to drench a dull ſophiſticated meſs from Portugal‡: if the French were encouraged to go more into vine-planting, we ſhould have another market for our corn; in this the advantage would be on our ſide.

* It may be ſuppoſed that many have rejoiced at the ſituation of French affairs, without knowing that a civil war carried on for a few years, to the barbarous extent of which we have had ſome ſhocking inſtances, would bring many evils on this country; ſuch a wheel as France taken out of the commercial engine for a ſhort time, might derange the whole machinery, beyond our powers and art to adjuſt.

‡ Mr. Hume's Eſſays.

We

We ſhall now take a view of ſome of the moſt notorious evils, which the great influx of riches has had upon the morals and manners of the people of this country; it will require no depth of reflection, or keen obſervation, for the marks are viſible in almoſt every claſs; it is indeed a natural conſequence, atteſted by many examples in hiſtory, that every nation enriched by an over extenſive Commerce, has in the poſſeſſion of its riches, loſt its vigour and virtue, and ſunk into ruin and ſlavery.

The inſatiable thirſt of riches is almoſt univerſal amongſt us, to be rich is to be every thing; the inſtances that might be found of parents clearing their houſes of their whole progeny to ſhip them for India, are numerous; unhappy parents! to have ſo entirely extinguiſhed in their boſoms all moral and phyſical ſenſibility, as to baniſh their offſpring from their ſight for ever! for the few who return from climates ſo little congenial with northern conſtitutions, make the expectations of meeting again, almoſt hopeleſs. We ſhould be glad to awaken ſome to reflection, whom the frequency of the meaſure, amongſt others, might lull into a forgetfulneſs

neſs of the ſhame, which ſhould attend ſuch a deviation from Nature's dictates, as the ſending young gentlewomen from their native reſidence; it is againſt every ſenſe of female decorum, that they ſhould be doomed to encounter the dangers of the ſeas, and the diſaſters of foreign climates; it would be a cruel injuſtice to caſt the leaſt reflection on thoſe amiable young perſons, who are without blame in conſenting to become the victims to the unbounded avarice of their infatuated and unfeeling parents.

The extravagance in dreſs among the lower orders of both ſexes, the depredations on the coin of every ſpecies, the increaſe of ſuicides, thefts, robberies, cheatings of all kinds, and murders, are ſome of the conſequences of a great increaſe of riches. Many circumſtances have co-operated to relax the morals of the people, which a watchful government might have prevented, but we are conſtrained to inſiſt, that in ſome caſes the people are abandoned to the fulleſt temptation by the deliberate determination of the legiſlature: a reformation of manners would reduce the revenue, and who is ſo blind as not to ſee, that if the malt-tax, and taxes on

ſpirits are to furniſh as much as they now do, that a certain portion of hemp will neceſſarily be employed?

The debaſement of the coin is a heavy tax, the quantity of light gold is prodigious, ſince the laſt coinage; thoſe who are fifty years of age only, may remember when there was no light gold, there's a morſel for reflection! now there is no ſilver or copper that is unadulterated, and we may ſoon be forced to follow the Chineſe mode; in China they have no coin, every payment there is made in bullion, decided by the ſcales and weights; it is hoped for the honour of the nation, that we may do our buſineſs without ſuch a ſtigma which would be nothing ſhort of a proclamation to the whole world, that we are a nation of ſcoundrels.

Monteſquieu has delivered it as a maxim, that, "Commercial ſtates may get to a pitch of mediocrity and continue there for a long time, becauſe the advances being gradual, are unnoticed; but when once their grandeur is become ſo clear, that there is no avoiding to ſee its effects, every nation will ſtrive to deprive it of advantages they conceive to have been taken of them by ſurprize." Is it a queſtion

queſtion that there is a country at this time the envy of all the nations in Europe, and the example to ſpur them on to an imitation of that, which may give them a portion of its ſpoils, and tumble it down.

An exceſs of trade can never be permanent, the competition of other nations will make it ſtagnate, and the great miſchief that would befall that ſtate, when its trade was again reduced to mediocrity, would ariſe from the manners of its people; it would then be ſeen that the true opulence of a country is in its manners, and not in its riches.

When the flux of riches into Rome began to ebb, it was obſerved by Salluſt, "That it is difficult to be a good citizen with riches above a private ſtation; but with deſires and regrets for what has been enjoyed, and is loſt, a man is ready for all manner of wickedneſs: thoſe among the Roman people who had no patrimony, could not bear to ſee it in others."

To bring a people back to good habits which they have once deſerted, is the moſt difficult taſk of Legiſlature; we can eaſily find an inſtance that it requires a cruel in-

difference only, to ſuffer a people to grow vicious, and to be ready to puniſh them. *Facilis deſcenſus averni ; ſed revocare gradum!*

If a nation has more of its people unhappy, even during its full poſſeſſion of riches from an abundant Commerce, than were in its ſtate of mediocrity,* we muſt confeſs that in all the purſuits of weak-ſighted mortals, there is none more vain and illuſory than unbounded trade. But the ſtone is now rolling down the hill with ſuch accumulated force and velocity, that no human means can ſtop it.

In the precarious ſtate of this country, from its enormous debt, many events may be foreſeen that would put it in a deplorable ſituation, in one particular, beyond what any other nation has ſuffered. One thing is in our favour, as Commerce introduced riches, the good ſenſe of the country has, by a peculiar felicity, been heightened and diffuſed beyond what any other ever experienced; in this we build our hopes, that when the aggregate ingenuity of the people, ſhall be the moſt powerfully exerted, it may be equal to the overcoming every calamity.

* We have no doubt but that Mr. Pitt has ten applications to one, that Sir Robert Walpole, had fifty years ago.

ESSAY VIII.

Of POLITICS AND POLITICIANS.

———*Nec jura fidemque,*
Respectumque Deum nunquam ſperaveris aulæ.
LUCAN.

Virtue or Truth at Court let none expect,
Where plighted faith and oaths, they all neglect.

THE ſcience of Politics, ſo far as it relates to the public inſtitutions and government of any particular ſtate is eaſily obtained, and the reſult of its maxims is to be found in the paſt and preſent time, ſubject however, as every thing ſublunary is, to mutability; it muſt neceſſarily alſo be different in every ſtate from the nature of the laws, religion and cuſtoms; but in all its great objects, whether it be commerce, or alliances for a mutual defence with other countries, there can be nothing

thing for a long time equivocal, nothing which is not ſeen, felt and underſtood by all parties concerned; and whether it be to make an equal partition of advantages or diſadvantages from intervening accidents, if there be a diſpoſition to do juſtice, there will be no occaſion given for plots or counterplots.

The famous treaty ſo ſoon compleated between England and Holland, by Sir William Temple and De Witt, furniſhes us with an example of what may be done where ſincerity is the baſis; as ſome ſplendid meetings of ambaſſadors and plenipotentiaries may do of the contrary, where many months have been ſpent in ſettling their precedence, and ſuch like impertinences, while all parties were waiting to ſeize ſome advantages in violation of the preliminaries, from the ſucceſs of an army in the field, or fleet at ſea; in theſe caſes, ambition, the private intereſt of the prince, or generally ſomething remote from the welfare of the country, whoſe miniſter plays this game, is found to guide the operation.

If we take a view of our political conduct ſince the revolution, we ſhall be able at the ſame time to fathom the wiſdom of the French, who like ourſelves are overwhelmed with debts

debts unneceſſarily contracted; the common obſervation that the French rank above us in political knowledge and in negotiation, is ridiculous; the difference is in the national manners more than in wiſdom; they ſquander great ſums of money through affectation, and will ſometimes riſk truth and good ſenſe, for the appearence only of accquiring advantages by addreſs; what could fineſſe atchieve againſt a man like Cromwell, who ſaw his intereſt and was ſteady to his purpoſe? Richlieu whoſe food was cabal, and intrigue, was forced to yield to a well ſupported bluntneſs. Suppoſe that when the general terms for a peace are ſettled, a political dabbler will reckon it clever to chicane for ſome alteration in his favour, if he finds out that the other party will ſubmit to a trifling impoſition rather than retard the grand object; the advantage which ſeems to be gained by ſuch conduct, is ſure to be overpaid in ſome ſubſequent buſineſs; but the man who is greedy of being thought a politician, thinks nothing of a future reſtitution.

The French, from the nature of their government, are more employed in court cabals than ſuits the diſpoſition of our countrymen, and

and are trained to a management of themſelves, neceſſary perhaps in a country where every man is in the habit of ſoliciting protection from ſomebody above him; court maxims have there a more univerſal influence than with us, which is one reaſon why every Frenchman aſſumes the character, and believes himſelf a politician: the little intrigues employed to obtain the ſmiles of a prince, however they may ſometimes lead to a deciſion of importance, deſerves not the name of Politics, but of cunning; it may be allowed that the practice at home prepares a man for the like cabals in a foreign court, where the ſame kind of manners prevail; and thus far the Frenchman has a ſuperiority over an Engliſhman, but this can do but little in a treaty of ſerious concern.

A Frenchman may be ſaid to labour in his vocation while he is intermedling and endeavouring to conduct affairs, in which he naturally has no concern. In Monſieur Savary's Account of Egypt one may ſee this principle averred, and alſo that it is foſtered by the miniſter at home on all occaſions, even to a great expence. With what fervour the French in America leagued themſelves with

with the Indian tribes, marrying and ſettling themſelves with animals who could barely be allowed to make a part of the human kind! this was however a gratification to a Frenchman, becauſe he believed it Politic, and himſelf a Politician.

Of our national politics it may be aſſerted, that it is impoſſible to ſhow in what manner the welfare of this country has been ſeriouſly concerned in any of the great wars in which it has taken a part, ſince the revolution, if we except that of 1755, on account of the incroachments by the French on our American territories; which in the end was managed with the ſame dereliction of the intereſts of the people, with all the former wars, and the ſame proſtitution of good ſenſe; the oppoſite conduct of the ſame man, when in and and out of power, diſplayed the limits of patriotiſm ſo eminently, that a proper return for public confidence, is ſcarcely ever to be again expected; indeed the principles of our conſtitution are now ſo generally overlooked, that we do not exact it from the miniſter, that he ſhall be the friend of the people, and he has at length attained his juſt and emphatical title, of being the "King's miniſter."

In king William's reign it was complained of in parliament as a grievance, that by the innovation of a junto, called a cabinet council, the privy council, a conſtitutional inſtitution was joſtled out of its province; but how in our days if the cabinet council is aſſembled only like the former parliaments in France, to regiſter the kings edicts? it has been frequently announced in the public papers, that in ſome late political buſtles, that all diſpatches were firſt carried to the king, and not as formerly was the rule, to the ſecretary of ſtate's office; we do not know that this new practice which in a manner annihilates the ſecretary of ſtate's office, is founded in the nature of our conſtitution, even in the opinion of an honeſt tory, but we know that it is very conſiſtent in ſuch governments as Pruſſia.

From the beginning of this century to the preſent time, it has been the conſtant practice, under one or other futile pretence, to gratify the reigning prince with the diſpoſal of the blood and treaſure of the nation, to poize the jarring intereſts of German princes, or countervail French intrigues; to overlook our inſular ſituation, and to perſuade the people that their ſafety was concerned in what might

might befal Bavaria or Auſtria; at one time this ſyſtem has been ſweetened to their palates, by the proſpect of an increaſe of Commerce; and at another, working upon the generous ſpirit of the nation to take a part, viſibly againſt its intereſts and judgment.

It may be thought ſtrange, that the Politics of a government, ſo univerſally eſteemed to have its foundation in the ſecurity and welfare of the people, ſhould never have extended its wiſdom to the granting a few hundred thouſand pounds, for the ſettling ſome induſtrious poor families on the waſte lands, for the increaſe of population and agriculture; whilſt ſo many millions have been raiſed, in which neither the miniſter or the people had any expectation of the national intereſts being concerned in the application of the money. If we compare the profits of our commerce, great as they are, with the amount of the annual intereſt of ſuch part of the national debt as has been incurred by wars and other means, under pretence of its encouragement, it would ſeem that we are a nation of merchants whoſe pride it is to trade without profit; we allow that many families have been enriched, but how does this counterpoize

terpoize the evil of the national debt, which affects the economical management of every houſhold in the kingdom. As we have no longer the means of diſplaying ſuch quixotiſm as formerly, it might be expected that our politics ſhould aſſume an appearance more cautious and intelligible.

The buſineſs of a nation is guided by the prevalence of whim or wiſdom, as it may happen, juſt like the concerns in private life, of leſſer moment. In ſociety, the beſt defiance to cenſure, is to be able to ſay that we do but as others do, and it is to be preſumed, that the grand councils of this nation have been often ſtimulated to purſue meaſures, foreign to the political intereſts of the kingdom, becauſe the French had ſet the example: if Monſieur Dupleix had not ſhown us the way to ſovereignty in India, it is probable that the native modeſty of the merchants of Leadenhall-Street, might haveprevented them from preſuming to diſpoſe of crowns and empires, and that they might have been content in their ſtation of traders; there is no doubt but our adoption of this further plan, will be manifeſted by the ſame effects, which meaſures ſo unjuſt and unwiſe have always produced;

duced; we have already many evils to encounter on that account, and it would be no difficult taſk to demonſtrate, that empire in India never was, nor ever can be, beneficial to any nation in Europe; for a late inſtance we could name the Portugueſe; we could name another country whoſe trading intereſts are ſinking every year, from the expences of ſuch diſtant poſſeſſions, and which no human wiſdom can prevent.

If we had left the French to their political interference with the eaſtern potentates, and directed our national exertions to the ſecurity of our commerce only, we ſhould have been in a better ſituation, as far as relates to the happineſs and welfare of the nation; with the profits of half a million a year only, gained by commerce, the nation would have been more enriched, than from the importation of millions by other means; therefore the ſooner we are driven to the ſea ſide, into our warehouſes, the better: we are not however ignorant of the little reſpect that will be paid to ſuch reaſoning.

The underſtanding of the nation has been inſulted with hearing India called the chief ſupport of this country, at the ſame time that

that the people were taxed to raiſe a buttreſs for this column of ſecurity,—the miniſter felt its ſupporting influence.

In the proſecution of ſtudies belonging to a good education, young men eaſily conceive high notions concerning men in exalted ſtations, and of the irkſome and laborious avocations of a miniſter of ſtate, whoſe head they believe to be always teeming with ſome wiſe project for the good of the ſtate; the ſon of count Oxenſteirn, who by his father had been appointed to a place of great truſt and profit, expreſſed his earneſt deſire to decline the acceptance of it, on the ſcore of his incapacity, "Oh my ſon, ſaid the count, you little know with how ſmall a portion of underſtanding, the world is governed," and in all countries it is a kind of maxim, that a man is proper for any employment he can procure; we cannot omit a ſtory told by the earl of Stair, who had been embaſſador in France, that when at Paris, being in great favour with the duke of Orleans who was regent, he was one morning admitted into his bedchamber; the duke was in bed with his miſtreſs, and his favourite L'Abbe du Bois was preſent; the duke ſaid to him, laughing very

very heartily, "we are on ſtate buſineſs, my lord, and I have admitted you, that you might ſee how the affairs of a large empire may be tranſacted."

If the knowledge of the Political intereſts of nations, and the government of them, are in all places at variance, we muſt conclude that the ſcience of Politics alone, does not make a Politician, we ſhall endeavour therefore to ſhow what does: The hiſtories of thoſe who have been diſtinguiſhed as the greateſt Politicians in Europe, degrade human nature to a degree that is diſguſtful; they appear to have been men, hardened by the commiſſion of the blackeſt crimes, ſo as to be familiar with perfidy, aſſaſſination, poiſon, perverſion of the laws, and every vice that belongs to the character of the moſt deteſtable villains; but as our manners are leſs ferocious than formerly, if we ſhould, in the language of chemiſtry, decompoſe a Politician of the preſent day, we ſhould diſcover ſuch qualities as theſe, in the component parts, "with a mind embarraſſed and a clouded viſage, he is ſupple and inſinuating, always diſſimulating; having two or three countenances at command, never thinking that he ſays, or ſaying what

what he thinks; unjuſt, without pity, and at all times ready to ſacrifice any portion of the human race, to whatever may be neceſſary to his political career;"

We know they're ſo in France, in Spain, and Rome, God knows if we have better folks at home.

A Politician would feel himſelf degraded if we ſhould attribute to him ſuch vulgar principles as honour and probity; he will allow, that they are neceſſary on certain occaſions, but that civil and political morals are different things, that in the wide range of political wiſdom, morality muſt give way; preſerving however the appearance of it, if it may be, which he thinks preferable to the thing itſelf, as it ſhows his powers of deception, which he conſiders as his moſt flattering point of view. It may not be wholly extravagant to make an obſervation here, that a court, which naturally ought to be the ſanctuary of virtue and truth, ſhould be the ſoil where the arts of deception flouriſh moſt, and are brought to the higheſt perfection.

In the common acceptation, to be a man of low cunning is to be of a debaſed character, but to be called of conſummate policy, is

is to rank above human nature; and yet it would be difficult to point out the difference, but in the ſound.

The pretended knowledge of the world in the political hemiſphere, conſiſts in this ſhort comprehenſive maxim, "That all men are raſcals." Miniſters of ſtate, who are engaged in the moſt ſecret concerns, and the moſt intereſting to the parties who tranſact the buſineſs, may often meet with ſome who work with the ſame tools as themſelves; in theſe trials of ſkill, they learn to harden their hearts, and acquire an indifference to every thing that does not contribute to their ambition and intereſt.

We do not preſume to recommend any thing to thoſe who manage the buſineſs of a nation, but to their admirers, who publiſh the golden rule we have mentioned, we think it may not be amiſs for them to examine their own principles of action; if the reſult of ſuch inquiry be a purity of mind, they will entertain ſo much reſpect for others, as to believe there are many of that deſcription; for a man to perſuade himſelf that he alone is juſt, is more than any ſelf-conceit can warrant; on the other hand, if he finds the maxim

admiſſible, he ſhould be cautious of the promulgation, becauſe the aſſertion, however it is meant to imply a recondite and refined obſervation, is known by the wiſe to be taken up at random, and to be a very looſe definition of human moral conduct.

It is amuſing to obſerve the affectation of thoſe who are of the lower departments in the *Corps diplomatique*, or other miniſterial buſtle; they look at a man as if they were poſſeſſing themſelves of his moſt concealed thoughts, covering their countenances with reſerve, and their ſpeech with heſitation. If theſe diminutives were to appear with a frank and cheerful behaviour, they would dwindle into mere ordinary men. This, perhaps, may be admitted as a ſtandard for the meaſuring every man's political ſtature, in ſuch ſituations, "That in proportion to his want of good ſenſe, and power, he puts on the appearance of cunning, or ſtatelineſs;" perhaps no man was ever ſeen to return from a Political employment abroad, with the ſame plainneſs of manners he ſat out with.

ESSAY

ESSAY IX.

Of RELIGION.

Sponte ſua ſibi quiſque valere, et vivere doctus.

JUVENAL.

Whate'er is beſt, each for himſelf may know,
And all be right, though different roads they go.

THERE is nothing more abſurd and illiberal, than the unkind concluſions that ſome men preſume to draw againſt thoſe who may chance to differ from them in religious concerns; from which every man ſhould reaſonably be exempt: it was otherwiſe with the ancients, the nature of whoſe religion was of another caſt from ours. In thoſe times, enthuſiaſm was a vapour ſo cold in its operations, that it was neceſſary to

aſſiſt it with copious draughts of wine, and objects of gaiety.

Within the laſt eighteen hundred years, to enumerate the evils which have been brought into the world on the ſcore of religion, is ſcarcely poſſible; there is no exceſs of cruelty or folly that could debaſe our nature, that has not been practiſed, and there never can be any thing happen in the world, to ſhow the turpitude of mankind ſo completely, as when under the influence of religious fury.

*Tantum relligio potorit ſuadere malorum.**

Luc.

The millions that are now exiſting in Europe, equal not the number of thoſe who have been deſtroyed, by all the methods made uſe of, under pretence of filling the duties of a Religion, ſaid to be conferred through the mercies of a juſt and benevolent deity, to be the happineſs and conſolation of mankind through this life. The Chriſtian Religion, had never more the appearance of a preſent from heaven than now, that it has put off ſo many abſurdities that were of human inſtitution.

* Religion only could produce ſuch ills.

The

The pope, who was formerly the chief engineer, is now become an old goſſip that the generoſity of an enlightened age permits to enjoy a princely revenue, impoſed by the arts of his predeceſſors on the ignorance of the times; he remains now rather an incitement to moderation in religious matters, the force of his anathemas is gone, and his bleſſings are received as reciprocal civilities.

There yet however remains enough of the leaven of religious diſcord in all the countries of Chriſtendom, to be the reproach of a philoſophical age; we have more generally acquired the means of following our religious duties, without inſulting others of a contrary perſuaſion, than moſt other countries.

It may be received as a maxim, that every man who boaſtingly ſets himſelf above others in a religious conduct, is a fool, or knave, and this concluſion is not ungenerous, for why ſhould any man endeavour to impoſe that upon me, which may be only pretence, and of which I am incompetent to judge? the rule of faith of one man, can never reaſonably be the concern of another; whether his actions be generous and equitable, is of conſequence to ſociety, but on ſubjects purely of

reflection,

reflection, as how a perſon ſhall endeavour to make himſelf an object of divine favour, who ſhall preſume to decide for him?

If a mode of aſſembling and addreſſing the the deity, is fixed upon by the wiſdom of the legiſlation, for the guidance of thoſe who may be ſuppoſed to want direction, it is the duty of every one to ſubmit to it, as far as his conſcience will allow him; but if another way of thinking, or even the vanity of diſſenting, ſhould incline ſome to adopt another method, it ſhould be done modeſtly, without arrogating to themſelves more wiſdom or piety.

The vulgar and ignorant who are unacquainted with inquiry and profound ſcience, have commonly a contempt for philoſophy; they have a ſcepticiſm ariſing from their ignorance, which makes them reject every principle that is ſubmitted to reaſon, and they rivet themſelves the faſter, in proportion to the abſurdity of what they adopt, by which they ſave themſelves trouble, and are convinced as far as they wiſh to be; "they know not that faith is a ſpecies of reaſon, and that Religion is a branch of philoſophy, the truth of which is eſtabliſhed by a train of arguments, and

and its principles diſcovered in the ſame progreſſive manner, as thoſe of Politics, or Phyſics." *

Thoſe are uſually the moſt preſumptuous, who have reflected the leaſt concerning the nature of their religion; content with thinking that above comprehenſion which requires reflection, they make it up by a vigour of belief, agreeably to their notions of belief.

They who enter into ſtudy and inquiry, find nothing too difficult as a ſubject of diſcuſſion, though abſolute conviction ſhould be denied; they know the narrow limits of the mind of man, they ſee its inſufficiency to decide on things that are the objects of the ſenſes, and the ſubjects of daily practice, as well as in ſuch more remote from experience: the coheſion and compoſition of the parts of ſtones and marbles, the growth of plants, and the whole proceedings of nature, are inexplicable; but that ſhould not deter us from an exertion of our capability to be acquainted with every thing within the ſcope of our comprehenſion.

There are many things in the myſtical

* Locke.

part

part of Religion, which are not alike eaſy to be inveſtigated by all underſtandings, however ardent the deſire may be to coincide with whatever is offered as matter of conformity in faith; but it would be unjuſt in the higheſt degree to ſay, that he who takes pains to find the truth, he that endeavours to make the object of his adoration the moſt conſiſtent with his reaſoning faculties, is blameable, and that the indifferent lazy believer, ought to be eſteemed the more religious. One ſees a light in the road, at a diſtance, in the night, and thinks it to be within ſome houſe; another leſs ſatisfied, rides that way to aſcertain the fact, and upon a cloſe inſpection, finds it to be a vapour of that kind, called *Ignis fatuus*, or Will-o'-the wiſp, ought he to be reprobated for that?

Every perſon holds all religious opinions in ſome ſort of contempt, ſave thoſe he has adopted; it may happen that one in the purſuit of a Religion ſuited to his mode of faith, may differ from all, and every ſect on the ſurface of the earth; ſome may reckon him very faſtidious, but the truth is, that he is only at variance with one Religion more than his neighbour; and this is no great matter on a

ſubject

ſubject of ſuch a nature, that it is rarely ſeen that any two perſons can make themſelves underſtood by each other, in the definition and expoſition of their ideas concerning ſome ſubjects of belief; for which reaſon, no perſon of good ſenſe and decorous behaviour, whether layman or divine, ever examines another on ſuch topics; a man can no more believe ſome things, of which he may deſire to be perſuaded, than he can lift a weight diſproportioned, to his bodily ſtrength. There are many who have ſomething about them they think a Religion, which came upon them they know not how: In ſuch a vacancy of mind, a ſyſtem may no doubt be planted and cheriſhed for its novelty.

It has happened more than once, that only one man in the world was right on a particular ſubject, as in the caſe of him who firſt promulgated his opinion of the earth's motion: in Religion we have ſeen many things diſcuſſed, concerning which, we are poſitive no man can be right; which is indeed of no great conſequence, if the opinion, however diſtant from the commonly received ſenſe of the thing, is not backed with violence, or framed to hurt the peace of mind of others.

What ſignifies it which way a man thinks on ſubjects incomprehenſible? or who can know more of a man's thoughts than he diſcloſes, or even the ſincerity of that?

One ſays, he takes the Religion as inſtituted by government, for the rule of faith and happineſs of the people; another ſays, this was put together in times leſs enlightened than ours, and that he may juſtly reject ſuch things as are repugnant to his underſtanding; he perceives ſome things which, to his mind, agree neither with the ſenſe, nor letter of the original; ſome things foiſted in by different councils, to anſwer political purpoſes, at thoſe periods for which they were calculated.

A right reverend and learned prelate has ſaid more in defence of revealed Religion in a few words, than is to be met with in ſome cart loads of folios*. "He who finds his endeavours to comprehend the works of creation, checked at every turn; who underſtands that every the minuteſt part of this little earth, which is itſelf nothing as it were, when compared with the infinity of the divine

* Dr. Watſon's Chemical Eſſays, Vol. 1. Pa. 89.

works,

works, is to him one great miracle, will not be over zealous in affirming, that God cannot interfere by his providence, in the management of what he hath made, or that he has interfered in this or that particular way. In the conſcious abaſement of his own intellect, which philoſophy will have taught him, he will be cured of all attachment to ſyſtem, whether it be a ſyſtem of bigotry or infidelity: he will not be fond of anathematizing every one who cannot think with him in religious matters; nor on the other hand, will he contend that a revelation from God muſt be an impoſſibility, from any abſtract notions he may have framed of the nature and works of the ſupreme Being."

So long as Religion ſhall be ſubmitted to the inſpection of reaſon, its ſituation will be fluctuating, and if the interference of reaſon is excluded, it may become ridiculous: when the Chriſtian Religion was moſt flouriſhing, ſuperſtition was employed to take every advantage of the credulity and ignorance of mankind; if it has ſince aſſumed another face there is nothing to be wondered at, it is in the progreſſive order of things. The Religion of the Roman people, from the time of

Tullius Hoſtilius, to that of Julius Ceſar and Cicero, went through a great change from the improvement of the human underſtanding: it may be ſaid that the Religion of ancient Rome, was of human contrivance, Be it ſo.

Let any one examine the writers of queen Elizabeth's reign, and from their authority, let him analize the manners of the nobility and gentry of that era, and it will be found, that in reſpect of all thoſe qualifications which are the ornaments of our nature, that the middle order of people at this time, are more humanized, and poſſeſs a greater variety of knowledge: the ſame improvement is to be traced in all the arts and ſciences, which having been brought under ſtronger powers of reflection, reaſoning and experience, muſt neceſſarily produce a great variety of more refined opinions.

To ſome it may ſeem that we argue againſt all Religion, when we ſay that every one muſt judge for himſelf; nothing as been ſaid againſt the Religion of this country as it now goes, and woe betide thoſe who would diſturb it; however ſome may think, there is no piety where there is no diſcord; for the other part, if it has not been ſhown that every perſon

ſon in the habits of reflection, muſt determine for himſelf, and abide by his own peculiar mode of thinking, there has been a great loſs of argument, ſuch as it is.

But where is the difficulty in ſuppoſing a nation to be without any particular mode of worſhip, and that the laws and power of the magiſtrate, ſhall keep good order in the ſtate, without any Myſteries of Religion? if we are not miſinformed, the great empire of China, anſwers ſuch deſcription exactly; many are there found who to ſhow their ingenuity, we may ſuppoſe, make an open profeſſion of atheiſm, ſome follow Confucius, ſome the Religion of the grand Lama; but as deep reaſoning is not the produce of any ſoil or climate, we may conclude, that the greater part live in a total indifference on the ſubject of Religion: we believe that in Holland, however famous for toleration, that the preachers of the Religion of the ſtates, are under the ſubordination of the magiſtrate, and are very ſedulouſly watched, as to the ſubjects of their diſcourſes.

They who contend that the people of this country have relaxed in their morals of late years, are wide of the mark in ſuppoſing it

to

to be the effect of infidelity; the cauſe is to be found in a variety of circumſtances that muſt ever accompany a great influx of riches into a country; infidelity is only a component part of the extraneous maſs of corruption, that it drags along with it; we ſpeak of that vulgar ſpecies of infidelity which is adopted to countenance vice; but as even that muſt be built on ſome argument and reflection, it can never be widely diffuſed amongſt the lower order of people, who are vicious from habit, ignorance, and the want of care in the magiſtrate.

An elegant writer of late times, has preſcribed a certain period for the exiſtence of the Chriſtian Religion, as the principal ſyſtem of worſhip in Europe; but as no objection can be brought againſt its moral part, it is likely to be very ſlow in its decline: if the arts and ſciences ſhould ſink into oblivion, and chaos come again, it may then have to encounter a new ſyſtem of mythology, and whether in ſuch a conflict it ſhall riſe ſuperior, no one can pretend to gueſs.

It appeared to the warm imagination of Rouſſeau, that the Tartars will infallibly conquer Europe at ſome diſtant period; and if he

he had continued his prophecy, he might have ſaid that the Chriſtian Religion, would then give way to that of the grand Lama.

ESSAY

ESSAY X.

Of POLITENESS.

Non aliter manifeſta putant abſcondere mentis,
Quam guadiis.

LUCAN.

Leſt the rude paſſions ſhould the truth reveal,
He learns with ſmiles, his anguiſh to conceal.

POLITENESS is the aſſimulation of our behaviour to the practice of all thoſe qualities that form the moſt refined pleaſures of ſocial intercourſe, the appearance of univerſal benevolence, generoſity, modeſty, and of making our own happineſs ſpring from the accomodation of others.

French Politeneſs, ſo called, conſiſts in an active diſtribution of civility to every one in company,

company, though not quite impartially proportioned; in this country it ſeems rather confined to a quiet unaſſuming conduct, that is intended to give no offence; the manners of the two nations make the difference, and is the reaſon they are each undervalued by the other. The difficult and ſublime part of Politeneſs, is, to behave ſo, that we ſhall make others ſatisfied with us, and with themſelves.

The activity of the French gentleman in the practice of his complaiſance, in which he is not ſo rude as to neglect himſelf, requires more art than an Engliſhman can perſuade himſelf to uſe; but that which appears in this caſe as a buſineſs, is meerly the effect of early habit: a polite education in France is ſo uniform in its effects, that it reſembles a public inſtitution, every man is an epitome of the nation; boys were a few years ſince dreſſed in full-trimmed cloaths, ſwords and bags, at ſix years of age, and began that cajolery with the ladies, which was to be the pride of their lives.

It is not thirty years ſince every gentleman made Paris his conſtant reſidence, and was full dreſſed his whole lifetime; a little

ſince that time, an eſſay was made of walking the ſtreets in the morning in a frock and boots, *a l'Angloiſe*; and however trifling ſuch a beginning may appear, it has probably been the firſt ſtep to that wonderful change in the national manners; the morning emancipation from the chariot, was like the letting a bird out of its cage, his walks brought him accquainted with many things that would have been hidden from him during life; it increaſed his ideas by the introduction of a more familiar intercourſe with mankind ingeneral, than formal ſocieties admit of; and being one half of the day diſincumbered of forms and ſenſeleſs ceremonies, he might be imperceptiblyled to entertain notions of general freedom; for at that time the French gentry lived in their particular coteries, or ſocieties, ſtrangers to that extended communication of ideas in uſe here. To return from this digreſſion.

The Spaniards, who are remarked for entertaining high reſpect for honorable and fair dealing, admit, however, ſome grimace in their civilities; it is reckoned polite to make an offer of a horſe, or any thing that may excite ſome compliment from a perſon in company; but the acceptance of it, would in their

their opinions, betray ſuch a total want of good breeding, as to excuſe the taking no further notice of the offer.

Lord Cheſterfield uſed to ſay, that if the good people in courts were not to ſmile upon each other, they muſt ſtab; this may be true, but it is a curious account of the peace and harmony that reign in the minds of thoſe, whoſe fortunes and elevated ſtations enable them to attain all the happineſs that our nature is capable of enjoying.

In towns, the inhabitants practice more outward civility than villages; and in the capital, they learn by an interchange of ingenuity, to envelope their minds with ſo many coverings, that what they ſay or do, may be no true criterion of their minds and inclinations.

Where the interference and jar of intereſts, however trifling, are conſtant, it is difficult to find three perſons in ſuch ſituation, agreeing for a month together, unleſs there may chance to be one amongſt them, endowed with a more than common ſhare of good ſenſe, or kindneſs of diſpoſition: ſo in private families, and the larger community of village ſociety,

where each is conſtantly under the eye of the other, there is no ſcope for diſſimulation; and therefore a long continued harmony is not frequent: it is found neceſſary in the great intercourſe of mankind, to aſſume thoſe virtues which they have not, and where they only touch and go, there ſeems to be no deluſion.

It is poſſible to live in the practice of all the amiable and ſocial virtues, which we call Politeneſs, and at the ſame time to make uſe of the pureſt ſincerity in all our dealings. A good underſtanding, generoſity of temper, and a philoſopihcal diſpoſition, muſt unite, to form this character; which is ſo beneficial to ſociety, that it challenges a higher title, than that of being meerly polite.

ESSAY

ESSAY XI.

L'ENNUI.

——————Quod petis hic eſt :
——Animus ſi non te deficit æquus.

HOR.

Whate'er you ſeek, you every where may find,
If ſweet content is pilot to the mind.

ENNUI is a French word almoſt naturalized amongſt us, to expreſs which, we have no word in our language exactly ſynonymous. In the French language Ennui ſignifies languor, laſſitude, fatigue of the mind cauſed by ſomething diſpleaſing in it ſelf, or by its continuance, or by the diſpoſition one may be in ; it ſignifies alſo chagrin, care and regret, the Ennuis of old age ; but it is in the firſt ſenſe it is generally uſed

uſed amongſt us, and for which, when we ſubſtitute low ſpirited or ſplenetic, we uſe terms more than adequate to expreſs our meaning; for theſe are ſometimes ſerious conſtitutional defects, not eaſily put off; whereas the other requires the abſence only, perhaps of a particular perſon, or thing, or ſome matter equally trifling.

Ennui is a diſeaſe to thoſe who indulge themſelves in faſtidiouſneſs upon every occaſion to ſuch a degree, that they are diſguſted with every thing they ſee, and live in a conſtant fretting and uneaſineſs at things which are overlooked by a mind in harmony with itſelf; ſome are unhappy at the diſhes on a table being placed contrary to their taſte, at any defect in the dreſs or manners of thoſe in company; when in town they ſigh for the country, and when there, deſpiſe every object that preſents itſelf.

This uncomfortable habit of mind is rather an object of ridicule than commiſeration, for it grows out of an abundant poſſeſſion of the means of contentment; thoſe who have real cares have no room for the entertainment of ſuch a gueſt; it is nurſed only where the buſineſs of life is, what is termed pleaſure,

pleaſure, and amongſt ſuch, there are few men who have been deep enough in philoſophical reflection, to find out, that to live in a round of uninterrupted delight, is not the lot of any one perſon in the world.

Thoſe who are engaged in buſineſs know of no ſuch refinements; they are pleaſed when not really troubled, are content becauſe they think little about it, and find their happineſs in the common caſes and commodities of life; but as uneaſineſs and cares ſeem to be the inevitable deſtiny of all, we ſee that thoſe whoſe ſituations are ſo fortunate as to exclude a large portion, are, as it were, forced to an exertion of their ingenuity, to ſupply as much uneaſineſs as ſhall put them upon par with others.

There is nothing more difficult of attainment than the knowledge of making the moſt of life; and yet it is never conſidered as a neceſſary inſtruction: every perſon is left to find it out as they can; the neceſſity of employing the mind is common to all, and it is well known, that if its purſuits are not directed to ſomething proper, it becomes languid, or the ſlave of folly and vice.

Si non paret, imperat. *

HOR.

How many young men have gone into the ruin and extravagancies of play, from a deſire only of filling up their vacant time; for want of being accuſtomed from an early period to amuſe themſelves with muſic, drawing, aſtronomy, botany, agriculture, or the ſtudy of ſome ſcience; without any particular view to excellence, but meerly to avoid the *Tædium Vitæ*, by having ſomething at hand that is agreeable to purſue.

The man who is plagued with poverty has a better time than he who has riches, without a proper ſenſe of the enjoyment of them, or than him who has no reſources in his mind, but is left to chance, to furniſh whatever may preſent itſelf for his amuſement.

Ennui proceeds, very often, from the perſon's expectation of ſomething pleaſurable, which he proudly thinks ſhould naturally attend his fortune and ſituation in life, and meet him halfway; he rejects the ſimplicity which rural ſcenes afford, becauſe there is nothing new or entertaining; whereas to one

* An abject ſlave, or a fell tyrant reigns.

of

of an eaſy diſpoſition of mind, every place affords ſomething worthy of obſervation; the top of a barren mountain is an object of ſpeculation, as to its form, compoſition, or the proſpect from it of the adjacent country.

The education of women, where properly managed, is very advantageous to them; in reſpect of furniſhing the means, to prevent Ennui, thoſe little employments of various kinds, that awaken their ingenuity, are an inexhauſtible fund of calm delight; by an habitual entertainment of their minds, they arrive at that harmony of temper and diſpoſition, which ſets them ſo indiſputably above thoſe who pretend to be their lords and maſters.

To deliver up one's peace of mind to the little incidents of life, to the inadvertencies and petty offences, that grow out of fortuitous circumſtances, is to forſake every pretenſion to wiſdom, and to be again childiſh, after the ſeaſon is gone by.

ESSAY XII.

Of BIOGRAPHY.

Omne animi vitium tanto conſpectius in ſe
Crimen habet, quanto major qui peccat, habetur.

JUVENAL.

If the offender is, or wiſe, or great,
We ſet his follies at a higher rate.

EVERY perſon who has received the benefit of education, muſt conſequently form opinions of the men and actions preſented to his view in the courſe of his ſtudies, and adopt partialities in favour of thoſe whoſe characters are the ſubjects of his ſpeculation and reflection, either as matter of admiration, or examples worthy of his imitation; in both caſes he wiſhes to realize as far

as he can, the facts recorded of them by ſearching for the beſt authenticated accounts, as on thoſe he regulates the ſtandard of their ſeveral merits.

Young men eaſily receive the firſt impreſſions with reſpect to the excellencies of a character; in a warriour they dwell with delight on the contemplation of his heroic courage and fortitude; and being unacquainted with envy and deceit in themſelves or others, they never miſtruſt the moſt hyperbolical accounts, till at length, time and an acquaintance with the world ſhows them, that the difference between one man and another is not quite ſo diſproportioned as they believed; and when they find that the great objects of their partiality had foibles, and ſome of them, vices too, and that all pretenſions to greatneſs, may honeſtly be ſuſpected to have ſome counterpoize of weakneſs, they acquire an addition of confidence to their own hopes of emulating ſuch a character; and this reverſe of the medal is as uſeful to the improvement of their talents, as the holding up the very extreme of excellence to their imitation.

To arrive at the eloquence of a Demoſthenes, or a Cicero, or at the generalſhip of Ce-

ſar or Alexander, appears ſo unattainable to common capacities, that it even keeps down emulation; but when the ſtudent has obſerved that a man may excel in a particular art or ſcience, but that no man is paramount in all things, he can allot to himſelf ſome place in ſociety, of a ſubordinate degree to thoſe ſublime characters, which may be uſeful to his country, and ſufficiently honorable to himſelf.

If it were poſſible to produce inſtances of great brilliancy of character without great inconſiſtencies of behaviour, it might be pardonable to reject the ſlight blemiſhes which make a part of a true deſcription; but as we know it is impoſſible for men engaged in great affairs from their ſtation in life, to be at all times ſo employed, we are naturally deſirous of being acquainted with their diſpoſition of mind, when free from reſtraint; the origin of this curioſity is, that we may meaſure ourſelves with them, where we can; and here, again, the greateſt character will afford this conſolation, that it was not productive of more happineſs to its poſſeſſor, than may be found in ſituations unconnected with every hope of riſing into public notice.

They

They who think it a ſeverity to ſcrutinize the actions of a man who died with the reputation of great abilities, are too faſtidious; for if juſtice is done, in ſtating his merits which challenge our reſpect, there is little reaſon why his failings ſhould be ſuppreſſed, particularly if they have been notorious; his foibles are as the ſhades of a picture, which without them would be but a ſketch, or imperfect reſemblance. We readily pardon whim, low ſpirits, or abſence of mind, in great poets, mathematicians, or other learned or ſtudious men, where an abſtract way of thinking, together with their ſedentary life are apt to derange the machine, and divert the mind from the little neceſſary offices ſo requiſite to be attended to in ſociety; but when we ſee great fortitude, clemency and generoſity, exerted by the ſame man under the ſevereſt trials, we feel our nature humbled, and are vexed at the diſappointment in finding him at another time, effeminate, cruel and ſordid; but it is however the duty of the Biographer to record ſuch inconſiſtencies: an erroneous eſtimation of human life, tends more to do miſchief than good.

The writers of Dr. Johnſon's life have undergone great obloquy, from thoſe who are very

very partial to his vaſt endowments, but ſurely with unmerited rigour; the exceſs of reſpect in Mr. Boſwell was all but adoration, and certainly from the pureſt motives; he he was content to exhibit himſelf as a mite, that he might ſet off the gigantic appearance of his friend.

Mrs. Piozzi, with no leſs application of diſcernment, and perhaps without the interference of malice, has ſtrengthened the features of the picture by her manner of colouring, in laying on the ſhades; but Dr. Johnſon's character is not hurt by either, nor are his great abilities diſparaged beyond the common lot of men, exhibited in all points of view to the eyes of ſevere criticiſm; it was a ſaying of the great Conde, that no man was a hero, in the eyes of his valet de chambre.

Nam nemo ſine vitiis naſcitur ut æquum
*Eſt, cum ſua compenſet vitiis bona.**

HOR.

Thoſe who have ſeen Dr. Johnſon, as the writer of this has, in the full career of

* If in the beſt ſome faults are eaſily found,
Let with due praiſe his virtues be renown'd.

happineſs,

happineſs, which was in the converſation of thoſe who revered him, and to whom he was ever ready to impart his knowledge with the utmoſt complacency of humour, muſt confeſs, that they never left his company without improvement, admiration, and delight: thoſe who knew him moſt intimately, had it both from obſervation and his own confeſſion, that his life was ſuch a continual torment from mental diſeaſe, that to get his mind within his power, was the effort of the moſt difficult of all ſtruggles: againſt attacks that nearly bereaved him of his ſenſes, the total deprivation of which, he often feared would be his fate: but who is there among the good and wiſe, that will think it any diminution of Dr. Johnſon's fame, that he was not always great; when he reflects on the vigour of that mind, which under ſuch dreadful embarraſſments, emitted thoſe radiant flaſhes, reſembling the effulgence of lightning, whoſe ſplendour is the more dazzling, when it burſts from the colliſion of the blackeſt clouds. To his infirmity of mind, the candid will impute the inefficacy of his fervent piety, to yield him that conſolation, which a like practice enſures to others; and pardon thoſe peccadilloes, which like the

ſpots

ſpots in the ſun, affect not the luſtre of that luminary, and in no wiſe prevent the ſalutary operation of his other great qualities.

ESSAY

ESSAY XIII.

Of MARRIAGE AND GALLANTRY.

Nec Jovis illa meo thalamo præferret amori,
Nec me quæ caperet, non ſi Venus ipſa veniret,
Ulla erat, æquales urebant pectora flammæ.

OVID ME.

Had Jove made love his ſuit had been deſpis'd,
I my dear partner more than Venus priz'd;
The God of love had ſuch kind flames beſtow'd,
With equal ardour both our boſoms glow'd.

EPITHETS, in the extremes of good and bad, have been alike beſtowed on the inſtitution of Marriage; and as it is ſuſceptible, of all the vaſt variety that the different diſpoſitions can furniſh, they may be ſeverally applied, with ſome ſhow of impartiality;

theſe however affect not the nature of the inſtitution, which is ſo precious and neceſſary in every poſſible ſyſtem of ſociety, as to require no ſupport from argument.

Marriage is in all reſpects equally commodious, from ſavage life, or the begining to adopt things convenient, by uniting the powers of intellect in a ſmall number, to the higher attainments of civil life, which have ſprung from a long exertion of wiſdom in the many.

For as the well being of all ſocieties is founded in the reciprocal advantages to all concerned, where can this bond of union begin ſo properly as between the ſexes, formed by the great Author of our nature, to be alike attracting and attracted? and by what other means could the like advantages be ſo widely diffuſed, as by the operation of this compact, which in its fulleſt extent, might combine all the inhabitants of our globe in the ſame family?

It muſt however be allowed, that as matters are carried in refined ſociety, marriage is a ſerious engagement, becauſe every thing there is factitious; the difference of diſpoſi-

tion

tion would do but little to diſturb the quiet of the parties concerned, where the neceſſity of mutual indulgence is ſo apparent, if it were not for the interference of extraneous things: it is in ſuch cities as London and Paris that the inconveniences of Marriage, as they are called, grow into a burden; but what elſe is there of moral obligation, which is not equally polluted by the influx of that predominance of evil, which is ſure to attend the coalition of ſuch large bodies of people? to account for this, if we analize, as nearly as we can, that heterogeneous animal, man, what a maſs of contradiction do we find? and if among the individuals we are forced to confeſs, that generally ſpeaking, a diſpoſition to virtuous actions is not the moſt prevalent, what are we to expect from putting the congeries into fermentation? but how do friendſhips, juſtice, humanity and every other eſtimable quality, thrive amidſt this jarring of the elements?

Where Marriage is the effect of a mutual inclination, where the eyes and heart have been conſulted, it is a law of nature which nothing can abrogate, productive of a con-

ſtant ſource of delights, unattainable by any other means.

It is an injuſtice to charge the fair ſex, whoſe taſte is regulated by the men, with inconſtancy in love, or thoſe capricious changes of behaviour which make ſuch irreparable breaches in domeſtic happineſs; it is a rarity that the huſband does not lead the way, even where cuſtom ſanctifies the depravity of ſuch conduct in both ſexes: his education and former licentious courſes incline him to it.

The reſpect for anceſtry remaining in thoſe countries, where ſome feudal maxims exiſt, has a great influence in matrimonical connections; but is ſo much extinguiſhed here, that alliances by marriage which have the honour of family deſcent only in view, are ſeldom preferred to riches; it may however be preſumed, that equality of rank and fortune, love out of the queſtion, bids fairer to produce a more agreeable friendſhip, than an acceſſion of riches, with an inferiority of birth and manners: to thoſe who are indifferent to, and affect to deſpiſe every thing in Marriage but riches, we ſhall only ſay that they have as much happineſs as they deſerve.

Whenever

Whenever the deſpotiſm of faſhion is allowed to preſcribe that the pleaſures of matrimony ought to be ſacrified to the pride of family and grandeur, there is a conſiſtency in the attempt to degrade the worth of thoſe qualities, which are ſo eſſential where love is the baſis of the union; and even there the neceſſity intrudes itſelf, of eſtabliſhing ſome mode of gratification, to counterbalance the loſs of thoſe comforts, abandoned by this perverſion of nature's dictates: hence Gallantry, as it is termed in the language of politeneſs, or hypocriſy wrought into a ſyſtem, to rob the moſt amiable part of God's work, of its greateſt ornament, is accounted an elegant employment for a ſenſible man.

If in France the degeneracy of manners has at any time prevailed ſo far, as to make it a kind of reproach, according to the rules of politeneſs, for a huſband to ſhow a deference to his wife in public; and that on her part, the encouraging a more than common attention and regard from another man, ſhall have been admitted as becoming and proper, it is obvious that the ſubſtance is quitted for the ſhadow.

Our neighbours, the French, have for more than

than two centuries, been diſtinguiſhed for their ſuperiority in the arts of gallantry; but if we beſtow ſome notice on their preſent manners, we ſhall eaſily diſcern how little is to be gained by the dereliction of the pleaſures, which belong to paying the tribute due to thoſe amiable virtues in the fair ſex, which is ſo indefeaſibly their right; and that where the greateſt refinements of art have been employed to leſſen their importance, it has always been found neceſſary to ſubſtitute ſomething in the behaviour of both ſexes, which ſhould repreſent them; for though it be a faſhion that every woman ſhall wiſh to be thought capable of inſpiring a paſſion in the breaſt of ſome other man than her huſband, yet the appearance of a chaſte behaviour is not abandoned.

If, by the principles of French Gallantry, the women are allowed to have an univerſal power over taſte, in all its branches, and even in politics; if this aſcendency extends even to the huſbands, it is not becauſe they are huſbands, but men: the authority allowed to the ſex is clear of all tender ſentiment and eſteem; it obtains, becauſe it is an eſtabliſhed maxim that the quinteſſence of politeneſs is, to re-

refuſe nothing to a woman; at the ſame time it is no leſs a part of the ſyſtem, to deſpiſe them; and whoſoever ſhould divulge that he entertained an opinion more honorable to the ſex, would be treated as a man who had no knowledge of them, but ſuch as he had picked up in romances. As it was before obſerved that the men give the ton, or direct the taſte of the fair ſex, ſo it is ſeen in this caſe, that the women judge of themſelves by the rules we have mentioned, thinking thoſe who are inclined to eſteem them, as unworthy of pleaſing; from whence the man who is beſt received by them, *un homme de bonnes fortunes*, is always an impertinent coxcomb.

There is an unmanly frivolouſneſs in this vice of Gallantry, which, it is to be hoped, will always prevent its being adopted to any great extent here; the ſupport of the Engliſh free government, in which all the different ranks of gentry are ſo intimately concerned, keeps up provincial connections ſo far, as to make a conſtant reſidence in the metropolis, incompatible with ſuch a ſyſtem; for it is in the country that the higher orders lay the foundation of popular favour and diſtinction, by an obſervance of decorum in their behaviour;

viour; beſides Gallantry is a farce which cannot be acted, but where it receives countenance from the authority of a powerful aſſociation, *defendit numerus*.

The attempts, from time to time, made here to introduce a refinement in Gallantry, ſhow that we are not yet ripe to receive it; the characteriſtical mark of the nation, is to be in earneſt in whatever engages the paſſions, and in Gallantry it is neceſſary to extinguiſh them.

Marriages, in England, are generally contracted with thoſe views which are eſſentially neceſſary to produce happineſs, and are as commonly ſucceſsful as in any other country; nevertheleſs, without taking the pains to ſtate the cauſes, we ſhall venture to aſſert, to the honour of our fair country-women, that good huſbands, though no rarity, bear but a ſmall proportion to the number of good wives.

MAXIMS.

There is nothing more difficult than to make a good choice of a huſband, or wife.

If

If there is love, nature has made her choice; and without it, an union is generally attended with misfortunes and crimes.

There are ſo many conveniences neceſſary in Marriage, that it is folly to expect to find them all; it is proper however to ſecure the moſt important, thoſe which are natural; thoſe belonging to cuſtom, may moſtly be diſpenſed with by mutual agreement.

It is more conformable to reaſon that a man ſhould marry an inferior perſon, than a ſuperior; in the firſt caſe, he elevates his wife, in the other he degrades himſelf, without raiſing her: the ſociety of the family is regulated by the man who is the maſter of it; as his ſtate is, ſo will be the reſt.

It is in the order of nature that the wife obeys her huſband, therefore when he marries an inferior, the natural and civil orders are not violated, and all goes well; when he marries a ſuperior, he riſks his prerogatives, or is in danger of appearing ungrateful or contemptible.*

* When the Duke of Suffolk married Mary dowager Queen of France, the ſiſter of Henry the Eighth, on a Banner was wrote,

Cloth

The wife pretending to authority renders the maſter of the family the moſt ridiculous and miſerable of Beings; like the favorites of the eaſtern deſpots, who are honoured and tormented by an alliance with the Sultan's family, he muſt creep into bed at the feet.

However difficult and delicate a man may be, it muſt be allowed that it is more becoming and pleaſant to owe one's fortune to a wife, than a friend; in one caſe he is the protector, in the other the protected; but can a man have a better friend than his wife?

Figure in a woman is the firſt thing which ſtrikes, it ought not to make the ſtrongeſt impreſſion, nor to be wholly overlooked.

It is hazardous to marry a great beauty, for though ſhe may behave like an angel, ſhe is always ſurrounded with enemies to herſelf, and her huſband's peace; a few weeks reduces the value of her beauty in the eye of

Cloth of Frize be not too bold,
Tho' thou art match'd with Cloth of Gold.
Cloth of Gold do not deſpiſe
Tho' thou art match'd with Cloth of Frize.

The Gallantry of that age was unaſſuming.

her

her huſband, but the danger that may produce her unhappineſs remains.

Mediocrity in beauty, as in all other things, is to be preferred; an agreeable figure, inſpiring good humour rather than love, is without prejudice to the huſband in every ſenſe, and has advantages which turn to the common good: the graces do not wear out like beauty, but are inceſſantly renewed; at the end of thirty years, ſhe pleaſes her huſband like the firſt day.

There are only two claſſes in both ſexes, thoſe who reflect, and thoſe who do not; a man of either of theſe claſſes, ought not to marry into the other: what a ſorrowful thing for a father of a family, who is of the thinking caſt, to be married to a woman of an uncultivated mind, to whom he is unintelligible, conſtrained to be ſhut up within himſelf? how ſhall a woman without reflection bring up her children? how teach them things of which ſhe has no ideas? ſhe has no means but careſſes or threatnings, which will render them timid, or inſolent: a ſenſible man ſhould therefore not marry a woman from a ſtock, where good manners and good ſenſe are not to be expected.

To continue lovers in Marriage, that is the art, to obtain this, there muſt be but little conſtraint, love and pleaſure are free agents, and have wings; it is not poſſeſſion always which ſatiates, it is ſubjection: if you would be the lover of your wife, ſhe muſt be your miſtreſs, and her own; the happy lover obtains all from reſpect, nothing from duty, all the pleaſure is derived from reciprocation.

The ſociable relation of the ſexes is wonderful; the wife learns of the huſband to ſee what ſhe ought to ſee only, of the wife he learns to do what he ought; in the man are the principles, in the woman, the ſpirit and the practical reaſon, put them to their uſes: in the harmony, both are bettered, without knowing which has contributed moſt; each is impelled by the other, and obeys, and both are maſters. In matters of council, the advice of a very ſenſible woman is worth that of three very ſenſible men: women have the art to ſteer between the paſſions, in a manner that men are ſtrangers to; it is a peculiar preſent of nature.

A man can ſcarcely love his children, who does not eſteem his wife.

Thoſe

Thoſe who ſay that the ſexes are equal, and their duties equal, know little of the matter; there are reciprocal duties, and duties peculiar to each ſex, both of natural and civil inſtitution.

Children are the grand cement of domeſtic content; thence ariſe fathers, mothers, brothers, ſiſters, theſe prevent the appearance of ſolitude, and the deſire of going from home to be made gay and good humoured; this attraction at home, preſerves a purity of manners, health and content.

ESSAY XIV.

Of TRUTH.

Æquum ac verum duxit, quod ipſi
Facere collibuiſſet.

CIC. IN SALL.

Whate'er we like, or are inclin'd to do,
Is ſoon perceiv'd to be both right and true.

THE violation of Truth, open and avowedly, is ſo infamous that none will dare to profeſs the practice of it, as it diſunites one man from another, and in the end would looſen the bands of ſociety ſo as to deſtroy all intercourſe; yet we adopt the various ſhapes, dreſſes, and accommodations of falſehood, under ſo many of its diſguiſes, that we almoſt acknowledge that the ſhadow is equal to the ſubſtance.

The

The ſtudy of hiſtory is ſtrenuouſly recommended to youth of all ranks of life above the mere vulgar, as a proper introduction to the inquiry concerning the nature of the human mind; as a mode to make them acquainted with facts, which ſprung from cauſes that are likely again to have the ſame operations in the government to which they belong: but when a young perſon has carefully peruſed the hiſtories of his own country, of other modern nations, and thoſe of the ancients, if he is given to reflection, he may poſſibly be at a loſs to gueſs, how the relations of ſo many murders, robberies, breaches of treaties, and other infractions of juſtice, and the praiſes beſtowed on the ſucceſſes attending them, can be uſefully applied to a life of virtue and innocence.

If we admit the hiſtorical accounts, as containing the probability only of what might be tranſacted in like circumſtances, it is, perhaps, of no great conſequence, whether they are exactly true, or not; but it is ſafer to conclude, that nearly the whole is a tiſſue of errors, not abſolutely contrived, to deceive indeed; but there is ſcarcely a fact, that is not in its nature ſimple, which is inconteſtably

conteſtably allowed to contain the whole that belongs to it. There are ſome lies, which, from preſcription, acquire the force of Truth; Truths, which, by an exertion of ingenuity in after times, become falſehoods.

We could inſtance, in the hiſtory of England, ſome of the beſt authenticated facts, at one era, that in our days have been rendered problematical; nor are the hiſtories of Greece and Rome ſecure from the introduction of novelties: thoſe writers who lived ſo many ages nearer the eras in queſtion, are treated as ignorant, or perverters of the truth; and indeed we muſt allow, that it is no more difficult to form probable conjectures concerning what might paſs two thouſand years ago, than of thoſe things tranſacted only two hundred years ſince; and of ſuch, hiſtory in general conſiſts.

It is commonly aſſerted that the preſent time is not the hour to write the hiſtory of any tranſaction, in which a variety of perſons and circumſtances are involved; yet to a man of plain underſtanding, it would naturally appear, that of what he has ſeen, heard and read, concerning his own times, he may be as likely to underſtand as his great, great grandſon:

ſon; but it is urged that letters and papers, in private keeping, may hereafter bring things to light that are now myſterious. We have ſeen ſuch wonders, with our own eyes, drawn from a rotten cheſt, in a rotten college, for the purpoſe of affronting thoſe who are willing to believe, that we owe ſome of the bleſſings we now enjoy, to the honour, ſpirit and patriotiſm, of ſome of our countrymen: of the employer, and of thoſe employed in that wiſe buſineſs, we ſhall ſay no more than, that thoſe who took them out of the cheſt, may be well ſuſpected of having firſt put them in.

Theſe ingenious renovations of hiſtory, are a ſufficient declaration of its inanity: by the reduction of what has been eſteemed facts, to probabilities only, we make the whole a romance; but to ſet up vague teſtimony againſt probability, is impudent and wicked. It muſt, however, be the deſtiny of all relations, to be, in length of time, ſubmitted to the opinions and prejudices of thoſe, who know nothing of the matter; if it is unſafe to rely on the firſt accounts, as impartial, becauſe we ſee contradictions, exaggerations and ſuppreſſions of the Truth, in

the authors on both ſides the queſtion, it is however difficult to ſay how the matter is to be ſet right by a mediator, who, ſome centuries after, is to find his way to the Truth between theſe deceivers.

Let us take a view of the hiſtory of the unfortunate Mary Queen of Scots, who had the unhappineſs to live at the preciſe period of time, when the almoſt ſavage manners of this country and her own, inclined men to reject every thing ſaid of a papiſt, that was not infamous and reproachful: if we allow that there is much probability in the charges brought againſt her by her enemies, relative to the death of her huſband, and her infatuated connection with Bothwell; by keeping our eye on the vices and atrocious conduct of thoſe who produced and admitted the charges, the ſuſpicions of the blackeſt treachery, forgeries, and every unworthy attempt to blacken her character, are equally admiſſible. Such is the ſtate of hiſtory, which, as we obſerved before, is of little conſequence, whether it be true or falſe, or alternately received as ſuch; nay, in the aſſertion and the contradiction, there is a double portion of matter for reflection, which is the greateſt benefit that

that can reſult from any reading. We believe that the hiſtory of the civil war, by Lord Clarendon, was conſcientiouſly written, but there are ſtrong marks of a narrow, biggoted prejudice, which no writer ever avoided in a like ſituation: thoſe on the other ſide, are equally guilty of the ſame charge.

When Sir Walter Raleigh was confined in the Tower of London, he undertook to write a hiſtory of the world. It happened that he was one day diſturbed very much, by a wrangling noiſe under his window; he ſent his ſervant to inquire into it; the man returned with an account, which was contradictory to that which Sir Walter had himſelf ſeen and heard; he called up another perſon, whom he had obſerved to be near the ſcene, to clear up the doubts; but after much pains-taking, he could not get at any ſatisfactory intelligence in the buſineſs: upon which he reflected on the nature of his work in hand; here, ſays he, am I engaged in compoſing a hiſtory of the principal tranſactions in all the different empires of the world, rejecting ſome accounts and aſſerting the veracity of others, and yet I am unable to decide concerning the accounts I have received of a trifling circumſtance that

that paſſed under my window. The reflection was good; but did not prevent the publication of his work.

The ſuppreſſion of what we know to be true, is a miſpriſion of treaſon againſt the majeſty of Truth; and yet we countenance it ſo far in ſociety, that the promulgation of Truth, would, in a variety of circumſtances, be deemed the greateſt breach of good manners, which in its baneful effects would be equivalent to a want of morals.

Without good breeding Truth is diſapprov'd,
That only, makes ſuperior ſenſe belov'd.

POPE.

It ought to be no wonder that there is ſo much falſehood in the world, ſince we allow that a free communication of Truth would make us hateful to each other, by deſtroying impoſture, which we tacitly allow to be the chief band of ſocial union.

Truth has the ſame effects on the minds of ſome, that very ſtrong light has upon the organs of viſion: thoſe who think they reſpect Truth the moſt, are not the leaſt liable to reject it; for Truth is not at all times that

that which is true, but that which assumes the appearance of it.

Truth is a deity whom all pretend to reverence and adore; but concerning its nature and attributes, the disputes and distinctions are so various and changeable, that most men behave like atheists, or idolaters; while some few only have capacity and inclination to follow its dictates, with such regard as is due to sacred things.

ESSAY XV.

Of KINGS.

——Pueri ludentes, rex eris, aiunt,
Si recte facies.——————

Hor.

The boys at play, cry, you're the King we chooſe,
If you the ſacred truſt will not abuſe.

IT is obſervable of the Kings of the moſt dignified characters in hiſtory, that they were not brought up with the proſpect of attaining ſuch pre-eminence; and it is a maxim that to be accquainted with obedience is the readieſt way to ſucceſs in the art of governing.

To reign over a people who are to be governed by a ſyſtem of poſitive law, is to be only a guarantee of the law, and may be conducted with qualities merely negative; which

which, nevertheleſs, may aſſure to the ſovereign the good will of his people. A King, whoſe authority is leſs circumſcribed, ſhould uſe ſuch means, that his empire may be over the wills of his people rather than their actions; if this is made the principal rule of government, he cannot fail of ſucceſs in all his undertakings.

However we ſpeak of the unlimited authority of deſpotic princes, it appears that there is no one that is not reſtrained in ſome degree, by certain cuſtoms which no human force can wholly abrogate; cuſtoms, that originate from ſome phyſical influence of climate generally, which the people reſpect and reverence ſo much, that their very exiſtence ſeems connected with it. A people deprived of moſt of their natural rights, are very ſtrenuous to preſerve whatever remains to them.

The Czar Peter when he ordered the beards to be cut off from all thoſe who entered the city from the provinces, did not know, or did not regard it, that the cutting off a mans beard in that climate, in Winter, is very diſtreſsful, and for which an immediate ſuccedaneum can ſcarcely be found; he might have

have contrived ſomething* ornamental to have given them, which would have defended the throat againſt the ſeverity of the cold, if he had been deſirous of appearing the father of his people. In countries where the people are treated with no more reſpect, they are not ſubjects. In Ruſſia and Turkey, revolutions are natural conſequences, and not violences: if the reign of the preſent Empreſs of Ruſſia is an exception to thoſe of her predeceſſors, it is becauſe the government is changed in her hands; capriceand cruelty, have been replaced by ſteady conduct and humanity.

It is reckoned no ſmall perfection in a Prince, to know how to employ men according to their reſpective abilities; but the moſt ſublime art is to make his people what they ought to be, to make them wiſe and happy, which may be done by attention in framing the laws, and in the execution of them: religion and laws have impoſing ſounds, but are of little uſe to the welfare of a country, unleſs they are applied to the manners of the people.

*The Spaniſh Ruff was invented to hide the ſcars in the jugular glands, frequent in that country, from tumours affecting thoſe parts.

Kings

Kings are beings very different from other men; their ſenſations are of another kind; their exemption from the general lot of hardſhips, in ſome degree attending all other ſituations, makes them ſtrangers to commiſeration and ſenſibility; the pleaſure of friendſhip is exchanged for that of flattery and obſequiouſneſs; the nature of their education is calculated to deſtroy all natural diſpoſition, at leaſt the effects are the ſame as if it were a part of the plan: they begin ſo early to live by rules of art, that they are in maſquerade their whole lives; whether their deſign be to oblige, or offend, they are equally under the neceſſity of employing artifice. There is no other rank in life that can be ſo generally defined, becauſe there is no order of men who are trained ſo much alike, and have ſuch a ſameneſs of character in ſo many reſpects.

It is ſo much the nature of man to aſſume power, when the occaſion preſents itſelf, that a king is ſcarcely blameable if he ſubmits to the temptation; the very care of preſerving his prerogatives, without any determined intention to increaſe them, will naturally produce opportunities; becauſe ſome caſes will happen where there is no definition in law,

or cuſtom; and when it is left to them to decide, it is eaſy to ſee how it muſt terminate: for Kings ſeldom conſult precedent or reaſon to control the will of the moment. The watching their prerogatives is without ceaſing, whereas what concerns the people, is eaſily abandoned by their guardians, or found inconvenient to protect; and ſo neglects accumulate, till the grievances are intolerable, and beget a ſevere inquiry, or the people ſubmit to the will of the Prince.

Let us for a moment ſurvey the image of a God on earth, if the profanation may be pardoned of uſing ſuch a compariſon: "A "patriot King, A King whoſe content is "placed in the welfare of his people, who "eſteems it his glory to be ſo circumſcri-"bed in his authority, that no wickedneſs "in his ſervants can attach his fame in what-"ever they may attempt againſt the peace "and happineſs of the millions, of whom "he is the protector and guardian; from "whom he receives every honour that can "adorn human nature, not as a tribute, but "as a teſtimony of their unfeigned thanks, "for the pious diſcharge of his truſt." This a King of England may be, and no monarch

on

on earth can pretend to more glorious honours. The deſpotic prince, whoſe will is the law, philoſophically ſpeaking, is bound to an obſervance of juſtice, and love to his people, if he is emulous of the character of a good man: how contemptible is the prince who is content to ſupport an appearance of grandeur, by a conduct that would degrade the meaneſt of his ſubjects!

The immortal Alfred was a patriot King; and Henry the fourth of France, if he could have been perſuaded that any man in his realm had an excluſive right to the poſſeſſion of a handſome woman, might have nearly approached to that character.

It is ſaid, that in one of the royal cabinets on the continent, the names of all the patriot Kings, or Demi-Gods, ſince the commencement of hiſtory, are written within the circumference of a ſilver penny, and that there is ſtill a vacancy for more.

It may be doubted whether the inventer of the fable of the frogs petitions to Jupiter, for a King, meditated a ſatire on the governments of mankind, but it may be ſo applied. The Corſicans on their petition to Jupiter, received "A log—Theodore." To other na-

tions have been ſent a ſucceſſion of "ſtorks;" but what is not related of the frogs, the people of the different countries over whom the ſtorks have reigned, have conſtantly prayed to Jupiter, to preſerve King Stork.

ESSAY

ESSAY XVI.

Of LANGUAGE, WIT AND HUMOUR.

Multa renaſcentur, quæ jam cecidere; cadentque
Quæ nunc ſunt in honore vocabula, ſi volet uſus
Quem penes arbitrium eſt, et jus, et norma loquendi.

HOR.

Some words, like leaves renew'd, burſt forth to light,
Faſhion dooms others to an endleſs night,
Her will's the law, no other wrong, or right.

IT is not our intention to inquire concerning the purity of language in compoſition, or the means of acquiring it, but to make ſome obſervations relative to the uſe and fate of words, of which Language is formed.

Words

Words ſubſiſt on no firm baſis; their value or ſignification is liable to be varied by an arbitrary caprice, of which the origin is not often known; obſcured and vitiated by time they may become low and obſolete; and if they chance to be uſed by mean and contemptible writers, or get into vulgar mouths, they, for that reaſon, are ſometimes abandoned, and conſigned to oblivion. Words of dignity, at one period, are rejected, ſometimes, becauſe they have been applied on ſome trivial occaſion; a recollection of which is unpleaſing, and dooms the word never to riſe again into conſequence.

Pronunciation is a great arbiter; a refinement in that, ſhall ſometimes, in the ſtruggle for admiſſion, conſign the word to writers only; it ſhall in a manner be baniſhed from converſation, for many will diſlike the alteration, and the diſpute that may attend the uſe of it. We borrow many words from the French, as the Romans did of the Greeks, to enrich and adorn our language, ſome of which by degrees get naturalized. Proverbs are the greateſt preſervers and conſecraters of words; a convenient lodging there, ſecures immortality: for example,

A cold

A cold May, and a Windy,
Makes a full Barn, and a Findy.

It may be that the *Proverb—Weaver was the father of Findy*, and that it has never had other courſe than in this ſenſe, where in the farmers language, it means plump-ear'd, well yielding; like the fly in amber, there's no diſplacing it; if there's a blaſt of wind in May—Findy ſhall be remembered.

Dictionaries are the obituaries of words, and their cemeteries; their laſt hold is there generally; a few indeed ſtruck off that liſt, are found in old favourite authors, like ſome canonized ſaints, with nothing but a name, their virtues all forgotten, to the annoyance of expoſitors and commentators, whoſe anger they defy.

In dictionaries words have their epitaphs ——Quandary,—came over with William the Conqueror—Family name—*Qu'en dirai je?*—paſſed for doubt, ſuſpence of mind—was degraded for keeping low company.

Pleaſe the Pix, whilſt we entertained reſpect for the Romiſh church, was like, God willing; we have loſt our reverence for the word,

word, but continue the ſound, and now ſome piouſly exclaim, Pleaſe the Pigs, I will do ſo and ſo.

If a man's affairs are perplexed and unſettled, it is ſaid, they are at ſixes and ſevens, and every one underſtands the implication; the ſame words might as well mean, that they are correct and in order, *ſi volet uſus*; in this manner, that which is ſix, is ſo ſtated, and ſo of ſeven, and the other numbers.

In converſation, a negative ſometimes implies the affirmative; and a word of aſſent is uſed, where diſſent is underſtood.

If a man ſays that which is violently againſt truth, it may not be decorous to ſay ſo, and one may even give aſſent by ſaying—certainly—ſurely—meaning certain-lie, ſure-lie.

When *ly* is added to the firſt adjective, where two are made uſe of, it ſtands in the place of *valde*, in Latin, and *bien* in French.

A writer may bring his ſtyle to correctneſs and elegance, with only a partial knowledge of a language; of which there are many inſtances amongſt the writers of Latin, and of our own tongue.

It is curious to obſerve that the acute Mr. Hume, whoſe character and literary merit is worthy of all eſtimation, ſhould have ſpoken ſo coldly and unfeelingly of Shakeſpear; the truth is, it was not altogether a want of taſte, but that he did not underſtand our Language well enough to ſee his beauties; and it is but of late that any writers of his country has ſhown a reliſh for them: the firſt we have noted is a Mr. Craufurd; and ſince him, two or three others have expreſſed a like diſpoſition, and ſome juſt obſervations.

It is a very particular circumſtance, that the Scottiſh nation ſhould have been ſo long, ſuch ſtrangers to the Engliſh proſody, that it is, even now, very rare to find one who is not as eaſily diſtinguiſhed by his tongue, as a German or a Frenchman.

It is without example, we believe, that two people uſing the ſame words, ſpeak different Languages; for that Language can never be the ſame with ours, where the mode of ſpeaking, as to time and ſound, is intirely different. For example:

"A nobleman's widow at Edinburgh, that ſpeaks the Engliſh Language" *ad aurem.*

ENGLISH PRONUNCIATION.

A nobleman's wid-ow at Ed-in-borough, that ſpeaks the In-gliſh Lang-wage.

SCOTTISH.

A nobble-man's weed-er ate Ame-brer, thot ſpacs the Inglis Long-edge.

And of a like diſtance of character in the tongues, the inſtances are innumerable.

WIT and Humour are of the ſame ſtock with genius, and equally inexplicable. No perſon has yet given a definition of Wit, that preciſely meets the approbation of any man of taſte. Dr. Johnſon, whoſe diſcernment and ſtrength of mental accompliſhments bade fairly to embrace the whole, like every other attempt, has left a vacancy; which however difficult to fill up, is yet without a clear ſolution of the problem. Wit, ſays he, is deſcribed by Mr. Pope, as being "That which has been often thought, but was never before ſo well expreſſed." Which account is certainly erroneous; he depreſſes it below its natural dignity, and reduces it from ſtrength of

of thought to happineſs of language. By a more noble and more adequate conception, "Wit may be conſidered, as that which is at once natural and new; that which, though not obvious, is upon its firſt production, acknowledged to be juſt; and, that which, he that never found it, wonders how he miſſed."*

Wit is an inſtinctive faculty of the mind, and has nothing to do with reflection or acquirements, otherwiſe than, in a well informed mind, the increaſe of ideas is likely to give it a wider range and more force; but never can create it.

A man may have wit in his own language, and be without the powers of applying it to a foreign one; as is related of one of our Engliſh dukes, when in Spain; inſomuch, that it has been deemed a kind of folly to expect a tranſlation of wit; yet we venture to ſay, that Hudibras, the wittieſt book in the world, is wonderfully done into French, by a Colonel Townly, formerly in the ſervice of the Empreſs of Germany; the great difficulty in ſuch a work, is to find a perſon equal-

* Life of Cowley.

ly well learned in both languages, with a natural fund of Wit and Humour.

Humour is nearly related to Wit, and is equally a particular gift; it often depends on the delivery as to manner, the ſame words from another perſon, ſhall loſe half their vigour. Sir John Falſtaff obſerves of Juſtice Shallow; "I will deviſe matter enough out of this Shallow to keep Prince Henry in continual laughter the wearing out of ſix faſhions, which is four terms, or two actions; and he ſhall laugh without intervallums. O, it is much, that a lye with a ſlight oath, and a jeſt with a ſad brow, will do with a fellow that never had the ache in his ſhoulders. O, you ſhall ſee him laugh, till his face be like a wet cloak ill laid up."

If we attempt to aſſign the portion of this pointed thought, we call Humour, to each of the three nations forming the Britiſh empire; amongſt the lower orders of the different people, it will ſtand, about thus: the Scotch 0; the Engliſh 50; the Iriſh 100. Thoſe who are unacquainted with what is called the blackguard wit of Dublin, have no idea of the ſublimity, if we may ſo ſay, of ſome droll ludicrous conceptions, that

that have come from the loweſt of mankind in that kingdom: with reſpect to men of education, of the different countries, we ſhall not preſume to give an opinion.

ESSAY

ESSAY XVII.

Of INGRATITUDE.

Beneficia qui dediſſe dicit; petit.

Who boaſt of benefits beſtow'd, contrive
How, by that giving, they themſelves may thrive.

TO declaim againſt Ingratitude is ſo common, and the vice is of a nature ſo odious, that every one takes fire at the bare mention of it; but it ought by no means to be admitted ſo generally and extenſively, as a crime frequent and common, which many endeavour to perſuade us.

In proportion to the enormity of a crime, it is but juſt and reaſonable that the proof ſhould be more circumſtantially correct; and yet

yet this crime, which, perhaps, is almoſt as rare as parricide, is eaſily believed, on the ſlighteſt teſtimony. It is very uſeful and proper, on all occaſions, to conſider the character of the perſon who charges another with any grievous fault; and in the caſe we are ſpeaking of, let due notice be taken, and it will generally be found, that the complaints of want of gratitude, are in proportion to the want of generoſity in the perſon who exhibits them: for to do an act, where generoſity is the baſis, there can be no ingratitude follow. To relieve the wants of a perſon in diſtreſs, from the pure deſire of doing good to a fellow-creature, is clear of all obligation from the perſon aſſiſted; otherwiſe it is to barter that which one ſeems to give, for the proſpect of receiving ſomething as good, or better, in diſcharge of the favour.

It is as impoſſible to conceive, that any perſon ſhould reſolve to do evil in return for ſome benefit; as that any guilt was ever incurred, for the purpoſe of bringing down the vengeance of the deity upon the head of the tranſgreſſor: theſe caſes are nearly parallel; for in both, there is that unaccountable perverſion of mind, we call madneſs.

Many

Many excuſe themſelves from a readineſs to aſſiſt the diſtreſsed, becauſe, ſay they, one meets with nothing but Ingratitude from the poor. The generous perſon conſiders thoſe in adverſity, as poor in every thing. The mind of a diſtreſſed man is inactive and debilitated with his body, ſuffering for want of ſuſtenance: a remiſſneſs of attention may therefore be expected. Some are not content if the manner of receiving their bounty, is not to their mind; forgetting, that really and truly to give, is, to reſolve to put another in the free and full poſſeſſion of whatever is beſtowed. But what more can be expected in acknowledgement of ſmall favours, than obſequiouſneſs? which is in its nature ſo trifling and ridiculous, that no one will dare to acknowledge himſelf ſo mean, as to wiſh to exact it.

Every perſon who is in the habit of relieving the diſtreſſes of his fellow creatures, will neceſſarily meet with ſome, who from the nature of their diſpoſition, entertain a more expreſſive ſenſe of favours than others; but the appearance of it requires but little art, and is often practiſed in expectation of further favour from thoſe, who are known to be pleaſed with ſuch acknowledgements.

How

How many beſtow that, which to the world may have the appearance of generoſity, and is to the receiver the ſource of miſery and diſcontent. How often does pride, luſt, and ſelf-intereſt aſſume the habit of charity, and a right to load the object of their ſuppoſed favour, with the crime of Ingratitude, if they are diſappointed in their projects! no one can know the motives with which any act is done in the way of charity, but the leaſt claim to a return, annihilates every pretence to merit in thoſe, who know ſo little how to give.

A perſon may lend money to another, to aſſiſt him in his buſineſs, or concerns; a like favour may be expected from the perſon borrowing, and yet a refuſal may not be Ingratitude. Money may be lent where there was no riſk to the lender; but if he expects the like aſſiſtance, when he may be in a ſituation which diſables him from returning the money, it muſt be allowed, that here is not a parity of circumſtances; for what was only a civility in one, would in the other be the higheſt generoſity.

We cannot help obſerving, that there is a very reſpectable order of men in ſociety, who

are often charged with Ingratitude, from their very peculiar ſituation, more than from any other cauſe; what they have muſt be given, and the donor is too often liable to overrate the nature of the preſent. The higher the ſpirit and ſenſibility of the perſon receiving a favour, the more delicate and liberal ſhould be the manner of beſtowing; and above all in what we advert to, from the nature of the thing given, and received.

They who inſiſt upon the perverſeneſs of human nature, and have a pleaſure in attributing every ſiniſter motive to mankind, pretend that men are naturally ungrateful. No man is, to ſpeak philoſophically, naturally good or bad. Self-intereſt is too apt to miſlead ſuch as deliver themſelves up to its guidance; and in this caſe, where it is to a man's profit and honour, as in every other, to behave with juſtice and propriety, the mind may ſometimes deviate.

The recompence for giving, is in the contemplation of the motive in one's own mind; and if it is done from the pure deſire of diffuſing happineſs, the perſon feels himſelf exalted into the higheſt order of human beings.

The

The fountain yields its ſpontaneous refreſhments to all that apply, and finds no dimunition from its largeſſes: ſo it is with the truly generous and charitably diſpoſed mind.

ESSAY XVIII.

Of REVERIES, *or* BUILDING CASTLES IN THE AIR.

Animum nunc huc celerem, tunc dividit illuc,
In partesque rapit varias, perque omnia verſat.
VIRG.

A thouſand ways his ready mind divides,
And ſhifts the ſcene as his gay Fancy guides.

IF there are men who have been ſo occupied, and have had ſuch full ſucceſs in the conduct of their affairs, as never to have wandered in the regions of Fancy, we know not whether to congratulate or pity them; for we preſume not to affront content in mere mortal man, in whatever ſhape, or by whatſoever fair means it may be procured.

We

We ſometimes find amongſt our acquaintance one who deſpiſes ſuch employment, as unworthy to intrude itſelf into the mind of a man, who has the power of beſtowing his reflection on things, which come nearer to the means of effecting ſolid and permament benefits, as he terms them. He who regards all reflection as loſt time which is not directed to ſome ſelfiſh purpoſe of getting money, if he has been fortunate in his ſpeculations, is apt to ſwell with pride on that account, and to be diſguſted with all other, as ſhort of true wiſdom.

The French call our amuſement, "*a faire des Chateaux en Eſpagne:*" A Frenchman's building a caſtle in Spain, or an Engliſhman to conſtruct one in the air, may be deemed labours of the ſame kind. The antiquity of this airy maſonry, is certainly equal with that of free-maſonry; the arcana of which ſcience, has always been depoſited with the moſt wiſe, as may be diſcovered in their liſts of patrons, or grand maſters, from Tubal Cain to the preſent times. We alſo reckon the wiſeſt among the Jews, as an adept in our ſcience of caſtle-building in the air; as may be gathered from the *Solomoniana*,

niana. Among the Gentiles, we have Plato, Ariſtotle, and every philoſopher before or ſince of any note; and for good chriſtians and true followers of Mahomet, we claim them all of every ſect.

In the beſt ſyſtem of education, one great object is recommended above all others; "That we ſeek for content in our own minds." All the rules of the higheſt authority agree in the cenſure of attachment to thoſe things which are vulgarly called ſubſtantial, ſuch as may be purchaſed with riches, and are the objects of ſenſuality; or if any thing of that ſort is allowed, to the animal part, by way of regale, it is always granted under terms which preſcribe the moſt temperate uſe, leſt too cloſe an attention in the purſuit, ſhould interfere with the ſublime occupations of the mind.

We ſhall find, however, that the heights of philoſophy, are ſometimes reached by one, we never ſuſpected of ſuch acquirements; and by a nearer road than the the moſt ſubtle of our preceptors have marked out. For inſtance: The good creature who can lean over a bridge, watching the *Labitur et Labetur*, 'till his dinner is ready, perhaps for two hours;

hours; if curioſity ſhould inquire after the nature of his amuſement, he anſwers without reſervation, "That he was thinking of nothing at all."

They who are accuſtomed to compare extremes, know how nearly things, the moſt oppoſite in their natures, reſemble each other: if we incline to place the paſſive philoſopher we have deſcribed, beſide our aerial architect, it is from a ſincere love of juſtice, and a deference to all the harmleſs of the human kind; but we are far from admitting him to march *pari paſſu*.

If the practice of our delectable paſtime is oftentimes the reſource of the unfortunate, whom accident or ill ſucceſs, has driven from the enjoyment of thoſe more in requeſt with the gay and thoughtleſs, yet as it is frequently the lot of ſome amongſt the moſt deſerving, our reſpect for it, ought not to be leſſened on that account; and it ſhould be remembered that we have it in charge amongſt our earlieſt maxims, that we can never arrive at a proper reliſh for the higher pleaſures, which are to be the reſult of our mental labours, whilſt we have the incumbrance of goods and chattels.

When

When houſe and land is gone and ſpent,
Then learning is moſt excellent.

The French too have a maxim of the ſame colour.

Qui terre a,
Guerre a. *

The ſource of happineſs is neither entirely in the object deſired, nor in the mind which is poſſeſſed of it; there muſt be that neceſſary concurrence, the relation between them, to produce this delicious ſenſation.

Happineſs depends ſo much upon opinion, that our art cannot reaſonably be charged with folly and deluſion, more than any other purſuit in queſt of pleaſure. He who denies that he has not received a fuller enjoyment in the contemplation of ſome future pleaſure, than he experienced in the fruition, has not attained the higheſt felicity that our nature is capable of. All philoſophers agree that the imagination ornaments, in the greateſt degree, the objects of our attainments, but quits us in the poſſeſſion; is it a queſtion then,

* He who has land,
Has ſtrife at hand.

which

which is the ſubſtantial? what is the employment of the young and the voluptuous, but the illuſion of imaginary pleaſures?

Every one is acquainted with the ſtory of a man at Athens, who had the art to make himſelf the owner, in idea, of all the veſſels that arrived at the port; till at length, ſome wiſe, meddling friend, undertook to ouſt him, of what he termed, "his imaginary poſſeſſions:" but it was ſoon ſeen how ſubſtantial they were, for the poor man never held up his head after the loſs. Many are ready enough to pronounce on the caſe of this Athenian, that he was inſane; but we who are not to be impoſed upon by technical terms, and aware of the ſmall difference there is, between madneſs in ſuch proper bounds, and the moſt deliberate and refined wiſdom and wit, are not ſo free to determine the matter; more eſpecially, as ſome, who have been eſteemed very acute obſervers, have in our opinion been groſly miſled in ſuch deciſions.

There are no men better acquainted with madneſs, than the beſt poets: Mr. Pope aſſures us, that the diviſion or partition between wit and madneſs, is very thin; from whence

we may ſuppoſe, that they reſemble each other ſo much, that one is often paſſed upon us for the other: how common is the obſervation from a perſon who has juſt viſited bedlam, ſpeaking of a particular perſon there, that, except on ſuch a ſubject, he was like any other reaſonable man? which in the Shandean ſtyle, is no more than being hobby-horſical, and is ſo generally ſeen out of bedlam, as not to excite admiration, beyond fox-hunting, and ſome other amuſements.

It has been thrown out by ſome wit, that there are many appearances to countenance the opinion, "that all the madmen which might have made a portion of the inhabitants in the other planets, are conſtantly ſent here." He probably ſuppoſed, that the quantity of morbific matter of that kind, which a man may ſafely carry about him with us, might in the planet Mercury turn to rage and biting; and in Saturn and the Georgium Sidus, from their extreme diſtance from the Sun, it might be attended with ſuch imbecility of mind and body, as to require ſlavering-bibs; whereas in our midway ſtation, it ſeems to be in its proper region, and is paſſed off in a manner unnoticed, or at leaſt without cauſing much alarm. However wide

of

of the truth the gueſs may be, with reſpect to the other planets, it may be aſſerted, that we, in calling ourſelves reaſonable creatures, in contra-diſtinction to other animals, which are each known by their peculiarly conſiſtent mode of acting, make uſe of a looſe and arbitrary definition, of which we could give a variety of inſtances.

We think lightly of a general who will riſk nothing againſt the reaſonable appearances of not being ſucceſsful; we are apt to ſay he ſhould have tried every thing, and in that we are juſt enough to confeſs, that madneſs, or a conduct againſt reaſon is often better than reaſon itſelf. Of war, we ſhall only obſerve, that, philoſophically ſpeaking, the buſineſs of knocking each other on the head, ſhould not take place, till our globe were ſo fully inhabited that the earth and ſea could not furniſh ſubſiſtence for all: if this argument is good for nothing elſe, the pleaſure we find in deſtroying our fellow creatures in war, will at leaſt ſerve to diſtinguiſh us from the other orders of animals, equally with what is called reaſon.

Romance writing, which is an humble imitation of our aerial employment, was pro-

bably invented for the uſe of thoſe who are ſcanty in ideal materials, or want the ingenuity to range them in proper order. When theſe compoſitions have the beſt effects that can reaſonably be expected, by their diſplay of the pleaſures attending heroic and amiable deportment, they perſuade the reader, if he has any taſte for ſuch qualities, to aſſume, at leaſt for a time, ſomething more exalted than his ordinary behaviour: but that theſe impreſſions are laſting, in many minds, we cannot affirm.

We have noticed this effect to be very general, that any perſon whoſe conduct challenges a more than common eſteem, the acknowledgement where it cannot decently be refuſed, is accompanied with this obſervation, "that the perſon ſpoken of is very romantic," or in other words, much beyond what we ever expect to attain; for that is the application which without exception, belongs to this inuendo.

What may we not expect to be ſaid of one who pretends, that for want of opportunity to ſhow his good diſpoſition in action, frequently paſſes his leiſure, in bringing home to his feelings, all thoſe pleaſures which the reality

reality could excite, by the trick of mere fancy! That at one time he is a generous magiſtrate, receiving reſpect from the province where he reſides; at another time, he is a brave citizen, fighting in the defence of liberty; or raiſing his views ſtill higher, he deplores the miſeries of deſpotiſm, and emulous of the immortal Alfred, he is a patriot king.

For his more ordinary paſtimes, he takes poſſeſſion of ſome eſtate near him, invited by the beauty of its ſituation, and the neglect of the owner; walks over the fields, and names them to his mind, prunes the eglantine and woodbine, and receives a fuller ſatisfaction from his intimacy with their natural beauties, than the legal poſſeſſor derives from the revenue of them.

He riſks nothing in his enjoyments; he uſurps nothing to the annoyance of any one, in mind, body or eſtate; and how uncommon ſoever ſuch amuſement may be, as different in thoſe reſpects from the purſuits of moſt other men; the novelty of it, ſhould in juſtice ſecure him from reproach.

We ſhall take no offence at being called flighty

flighty, yet we could point out many who are reputed grave and ſober-minded, whom we neither envy nor deſpiſe, that think themſelves never better employed, than when they carry their ſpeculations much beyond our attempts.

Of the HUMAN MIND.

OF all the operations of nature, her work of the Human Mind is the moſt variable. Its changes are as frequent with the wiſe, as the unlearned: this is well enough underſtood amongſt men, and if it were as well remembered, would be the death of many prejudices that ſet us at variance. No two men can think alike on every ſubject, and ſo continue; for every man is conſtantly varying from himſelf: moſt men, indeed, affect an uniformity of character, to prevent the notoriety of their deviations and though it may make moſt of them inviſible, it does not prevent them. The greateſt miſer will ſometimes

ſometimes give a ſum of money, beyond what the moſt habitually generous would beſtow.

It is a maxim with the Turks, that no man ſhould be ſurprized if another changes his mind; they ſay wiſely enough, every one but a fool will do ſo; and we acknowledge no leſs, when we call a man an obſtinate blockhead.

What is the acquirement of underſtanding, but the changing a wrong opinion for one that is right! the perſiſting in old notions, generally proceeds from a want of diſcernment, rather than from a conviction of their rectitude.

Thoſe who read and reflect much, will find, that from twenty years of age to ſixty, they have varied in their opinions of every thing ſerious and trifling: habits, maxims concerning health, religion, and in ſhort, all concerns whatever, all change by a gradual progreſſion, without whim, or violence put upon their underſtanding. Theſe things happen to many who never obſerve it: even morals, in the courſe of time, will take another caſt, if not ſtrictly watched. The reſpect

ſpect paid to ill-acquired riches, and the want of it to thoſe who have none, help, with other obſervations, to warp the mind. Old men are generally leſs nice than in their youth; to them the pronoun poſſeſſive *meum*, is really a magnet.

ESSAY

ESSAY XIX.

Of PRUDENCE AND FORTUNE.

Nullum numen habes, ſi ſit prudentia: ſed te*
Nos facimus, Fortuna, deam, cæloque locamus.

JUVENAL.

Fools worſhip Fortune, place her in the ſkies,
Prudence is god, and goddeſs to the wiſe.

PRUDENCE, or practical wiſdom, is the exertion of our underſtanding, to foreſee and prevent all adventitious circumſtances, from diſpoſing events contrary to our intentions, or rather the appearance of it; for it may be doubted if any perſon did ever combine ſo much addreſs and management,

* Voltaire and ſome others, *abeſt*.

as to ſecure a certainty reſpecting things out of his own power, however the ſucceſs might favour the appearance.

Fortune, if not actually at war with Prudence, does however often aſſert her ſuperiority very arbitrarily: amongſt the Romans, whoſe ſuperſtition increaſed their mythology beyond all reaſonable bounds, both were worſhipped as goddeſſes, and had their temples and votaries. Fortune ſeems to have had moſt adorers; for ſhe had all the unwiſe: ſome who had been the objects of her favour, had yet the preſumption to attribute it to Prudence, becauſe with that goddeſs they could ſhare the glory; it being eaſy to paſs off her inſpirations, for their own ſuggeſtions. If Prudence is dwindled into human wisdom, Fortune is now neither worſhipped, nor honoured with any confidence; and when they had the moſt influence, they were both generally treated with ingratitude, by thoſe whom they had favoured.

Timoleon, who was a ſucceſsful general, modeſtly attributed the whole of his good fortune to the Gods, or Fortune; reſerving nothing to be aſcribed to his own Prudence. Sylla, who had received ſtronger marks of favour,

favour, both in his tyranny and retreat from buſineſs, aſſumed nothing to himſelf; but he was ſuſpected of artifice, in this affectation of humility. So preſumptuous is the human conceit, that we cannot pardon the want of arrogance in another; if we implore divine aſſiſtance, and it is granted, we challenge a part of the ſucceſs to ourſelves without ſhame: the ancients were particularly in dread of the goddeſs Nemeſis, who was a great chaſtiſer of inſolence ariſing from ſucceſs; much reverſe of Fortune, was attributed to her.

Cardinal Richlieu, who was a great intriguer, and uſed all ſorts of means to compaſs his ends, attributed all his ſucceſſes to his own diſcernment: he admitted of nothing as unfortunate, but where imprudence had governed. In one ſenſe it is true, that ſomething may be diſcovered in every unfortunate event under human government, where the adminiſtration of other conduct would have changed the circumſtances; but this is frivolous, for that ſomething may be ſo extraneous, as could never have occurred to any foreſight.

We all acknowledge an inviſible and ar-

bitrary interference, we call good and bad luck, which wait on moſt men, and decide upon their welfare through life; on ſome is beſtowed ſucceſs at games of chance, others are proſperous in all they undertake; all avenues to ſucceſs lie open before them. In 1774 there was at Paris a Dantzick banker, who had been concerned in the Engliſh ſtate lottery, in two tickets only, at different times; in one, the half only belonged to him, the other wholly; they were both 20000l.

Human Prudence is by ſome ſo undervalued, that they proverbially ſay, Fools have Fortune. The ancients, had their *audaces fortuna juvat**. Some men are ſo confident of ſucceſs, that they conduct their affairs as if Fortune was their ſlave. Ceſar, who had all the advantages that attend the greateſt Prudence, had ſtill a greater confidence in his good fortune; and thought nothing ſo proper to rouze the ſinking courage of his boatman, in a frightful ſtorm, as to ſay him, "Fear nothing, you carry Ceſar and his Fortune:" It was neceſſary to do what he did; death, or a diſappointment in his enterprize, were equal. In the attempt to infuſe this con-

* The raſh are fortune's favourites.

fidence

fidence into the breaſt of another, his behaviour was of the moſt exalted heroiſm; and yet we muſt confeſs, that the briliancy of the action is in the ſucceſs: if he had been drowned, what might not have been ſaid of his conduct! Lord Bacon thinks that Ceſar had only done half if he had ſaid, "you carry Ceſar and his virtues:" we more readily conſign the management of a thing, to a fortunate man, than to one merely virtuous.

On the other hand, ſome are ſo unfortunate that the relation of their diſaſters reſembles a romance; to recapitulate the examples that come within our own obſervation, which belong to good and ill Fortune, would be almoſt endleſs. None will argue in favour of putting Prudence aſide, though many of good judgement may be found, who confeſs that their beſt conceived meaſures have had a worſe iſſue than doing nothing: from whence came the *proverb*, *melius infelici nihil agere.**

It was an eſtabliſhed maxim with the ancients, that induſtry and human forecaſt were of little avail, againſt the concurrence of un-

* It is better for the unfortunate to do nothing.

foreſeen

foreſeen accidents, *ſunt in iis quidem virtutis opera magna, ſed majora fortunæ.*† Pliny ſays this, and Quintus Curtius much the ſame reſpecting Alexander; and of all military glory, Cornelius Nepos affirms the greater part to belong to Fortune: Cicero, Livy and Diodorus Siculus, ſay, that we are to judge of men, not by their ſucceſs, which is in the hands of Fortune, but by the means they had taken to ſucceed. If the opinion of a prince is of more conſequence, let us liſten to Philip king of Macedon, who being aſked why he had not preſerved the kingdom, as his father had left it, anſwered, "do not wonder; though my father left me his other good things, he did not leave me his good Fortune, by which he acquired them."

Some have argued, that our holy religion has demoliſhed the temples and idols of Fortune, and ſo it may; but if providence refuſes thoſe things we wiſh for as neceſſary to our comfort, and which we labour inceſſantly to acquire; when we ſee them take a courſe apparently in oppoſition to human reaſoning, if we believe that they are with-held for our good, we do our duty

† There are in thoſe things, indeed, great efforts of valour, but greater of Fortune.

by

by ſubmitting with a chearful reſignation; but we muſt confeſs that the ſolution of the problem is deferred.

Let us make an abſtract of Monſieur Bayle's arguments, who was an eminent logical gladiator:

1. The notions of the ancients, though they painted Fortune blind, were not that ſhe made no diſtinctions in her diſtributions, but, as we ſay of a Prince who may be too liberal, that he follows rather the impulſe of the moment, than the dictates of reaſon and juſtice: they thought the ſovereign power poſſeſſed by different deities, attributing to them the imperfections of our nature, and particularly to Fortune, the higheſt degree of caprice; which made them the more ſolicitous to ſecure her favour. The philoſophers who acknowledged the unity of the Godhead, called him, Fortune; they did not accuſe the deity of injuſtice, but ſaid his ways were not our ways.

2. Under the Goſpel, we beſtow on earthly things all the defects that the Pagans attributed to Fortune, as a divinity; the poſſeſſion of worldly goods, we ſay, is no mark

mark of merit in the poſſeſſor; that they are periſhable, and deceive thoſe who put their truſt in them.

3. They did not deny that there were fortunate men, and unlucky ones, in commerce, play, ſucceſs at court, and in military feats particularly; but in all they ſay concerning Ceſar, Timoleon, Sylla and Alexander, there is nothing, but what is exactly conformable to maxims of a later date.

4. It is falſe to ſay that good or ill Fortune depends on Prudence, or the want of it; the winner at play is not always the beſt player. The moſt experienced gameſters quit play when Fortune declares againſt them, and double their ſtakes if they can, when ſhe appears to encourage them. It is the ſame in induſtry, and all other concerns; there is an imperceptible ſomething that opens the courſe, or ſhuts the road to ſucceſs.

5. Princes generally judge by the ſucceſs of thoſe they employ, concerning their deſert: the conqueror, and vanquiſhed are differently received, however the merits of their caution and Prudence may be. A fortunate

tunate raſhneſs, you ſay, was Prudence, ſince the event has ſhown that the meaſure was adapted to the purpoſe. The anſwer to which is, that raſhneſs is not governed by rule and proportion; therefore, to chance, and not to Prudence, the ſucceſs belongs. It is not from imprudence that we do not diſcover the accidents hidden from human foreſight: in a variety of buſineſs, how ſhall a man ſee what malice, lies, and jealouſies may effect, that ſtrike without warning?

6. Since no man is the principal cauſe of his good or ill fortune, the difficulty is to know what that Fortune is, which regulates the ſucceſs of ſome, and perſecutes others, without regard to their deſert, or the meaſures they take. If you ſay providence is the diſpoſer of all events, you provoke a world of argument againſt you; they will not eaſily allow that it can follow from general laws, that ſome ſhould be always fortunate, and others unlucky.

7. The laſt reflection, is, that men murmur exceſſively againſt Fortune, and often throw their imprudence upon her interference; though he allows that ſhe often deprives a man of his natural powers to aſſiſt himſelf;

as in the caſe of Pompey, at the battle of Pharſalia; where Fortune declaring for Ceſar, Pompey did nothing becoming his former prudence, valour, or generalſhip.*

By this time it may be eaſily ſeen, that there is no conducting any one to evidence and demonſtration on this ſubject; but nothing can be more clear, than that providence, or the want of it, does not decide on good or ill ſucceſs.

No man plays without ſuperſtition; what pocket pieces to mark with, turning of chairs and a hundred other fooleries are practiſed, openly, to engage Fortune; to ſay nothing of oriſons, and other ſilent conceits. Very few engage in the ſtate lottery without prepoſſeſſion in favour of numbers; perhaps no man likes the number of the laſt year's great prize, yet the chance is abſolutely no greater againſt that number this year, than it was before.

Our chief content depends on the moderation of our expectations; we ſhould look at mediocrity as the ſureſt means of producing content, and believe that thoſe things which

* Fol. Amſterdam edit. vol. 4. p. 373.

are

are refuſed us, have ſomething in their acquiſition, however imperceptible it may be, that would not ſuit us; and to be aſſured that the great diſpenſer of all things, loves juſtice and mercy, and will remunerate.

Prudence, in the common acceptation of the word, is a conduct guided by thoſe mean, ſordid principles, which a ſincere love of ſelf excites, void of all accommodation to others which may call upon our purſe, or prevent our own acquiſitions; it is generally gloſſed over with an obliging behaviour, that is geometrically ſquared, ſo as to give no offence, and keep off all very diſtinguiſhed attachment, that might expoſe our ſafety and well doing to jeopardy.

The real Prudence is a combination of all the virtues that can belong to our nature; the diſplay of which, always creates a reſpect, little ſhort of adoration, wherever it is found; but is ſo far from inſuring an increaſe of fortune, that it may perhaps ſometimes be an impediment.

We have ſeen how difficult it is to chain down Fortune, or ſucceſs in life: the ſituation from which moſt may be expected, has

generally the moſt unfavorable appearance; that is to ſay, that, in which all depends on ourſelves, clear of all foreign or external expectations of aſſiſtance.

A ſmall fortune, or ſomething above that, if ſeconded by a profeſſion, is generally a ſeduction from ſtrenuous application; and the dependance upon it, is attended with indolence and idleneſs, that prevent all great acquirements. A large fortune eaſily perſuades the owner, that careleſsneſs and neglect may be repaired by future care and diſcretion, till the confirmed habit brings on ruin.

The young man, who has no expectations but from his own behaviour, ſeeing conſtantly that the leaſt deviation from honour and probity, will be followed by debt and diſgrace, will acquire the habit of living on his income; which by his diligence, will be ſure to mend: thus ſucceſs is in a manner forced upon him, by having nothing to impede his induſtry, which will certainly carry him forward to laſting content.

ESSAY

ESSAY XX.

Of SENSIBILITY AND BENEVOLENCE.

Non ignara mali, miseris ſuccurrere diſco.
VIRG.

Touch'd by misfortune's heavy hand, I know,
What pleaſure 'tis to eaſe another's woe.

NEVER were fine feelings in greater eſtimation, nor more generally adopted, than in our time; for ſo far from their being confined to the natural delicacy of the ſofter ſex, as more congenial with their frame and texture, we hear of them from all quarters. Our public aſſemblies, for the diſpatch of the national buſineſs, are even ſubject to their influence. The ins and outs complain

complain, at different times, of outrages committed againſt their feelings, by the oppoſite party. If politicians do really undergo ſuch oppreſſions, we are forced to confeſs that we are at a loſs to account for it. If we incline to the belief of the patriots being ſometimes in earneſt, which as they are always out of place are certainly the moſt irritable, we cannot however allow the ſame indulgence to thoſe who are in; but as it is at beſt a technical term, which originated in the boarding ſchool or at the toilette table, we may conſider it as a redundancy in our language, very uſeleſs to gentlemen who ſpeak *ore rotundo*. Not to have fine feelings, Mrs. Slipſlop would ſay, is to be a Notmantot and eat raw fleſh.

The deſire of exalting our character by the affectation of an extraordinary regard for the welfare of our fellow creatures, is a deceit which ſprings from unworthy motives; but to arrogate to ourſelves ſomething of this ſort, as is frequently practiſed at the expence of thoſe who are preſent, is more than uncivil, and borders on vice.

If we examine the true cauſe of a more than common kindneſs of diſpoſition, it muſt

muſt ariſe, either from ſome happy combination in our natural conſtitution, from habits impreſſed by thoſe to whom we are indebted for their care and example at an early time, or it is the reſult of a well determined principle to yield every aſſiſtance to the human kind, from a nice obſervation of the neceſſity there is for the exertion of our benevolence to all mankind; but the mediation from all, or either of theſe cauſes, is modeſt and unaſſuming. The truly generous perſon feels all the pleaſure, that the act of relieving another can afford, without looking for admiration, or charging any perſon with want of kindneſs; the occaſion preſents itſelf, and he does that, which he readily concludes many others would have done under like circumſtances.

We may allow that ſenſibility or quickneſs of perception, appears to be more the portion of the fair ſex than the other, as appertaining to their conſtitutional make; from whence many women are apt to believe that tenderneſs of diſpoſition belongs to them excluſively. If we duly examine the matter, it will, perhaps, be found to be no inherent quality ariſing from conſtitution; for we often

ten ſee inſtances in perſons from whom we might expect a greater ſenſibility for others; a ſympathy on account of their own ſufferings from ſickneſs, or a peculiar delicacy of make, in whom this quality is counteracted by that very cauſe; or in other words, when we wiſh to excite commiſeration towards ourſelves, we are generally leſs ſuſceptible of beſtowing it on others; ſome are ſo complaiſant to themſelves, as to take merit from beſtowing a "God bleſs you" on a perſon in diſtreſs: ſuch a barren diſplay of diſcharging the duties of human life, may paſs for a civility, but is far enough from an act of benevolence, where there is a power of doing ſomething more ſubſtantial.

Why are not all thoſe who voluntarily give themſelves up to tenderneſs in a feigned caſe of diſtreſs, as at a play, to weep for Hecuba, equally affected by a ſcence of real woe? it is becauſe the emotions are independent of any uneaſineſs on their own account; the tone of voice and geſture of the actor, the ſpectators and the complacency of temper in which we go to ſee a tragedy, all aſſiſt in drawing tears from us; and ſome flatter themſelves ſo far as to think, that they exhibit

bit full teſtimony of their being eaſily impreſſed with benevolent feelings, at the ſight of diſtreſs; whereas to perform that which the neceſſities of an unfortunate perſon might require, would call for activity, conſolation and our purſe; troubles that would rouze our indolence, and try our merit, which we are glad to be exempt from.

The bloody Sylla might weep at the recital of the misfortunes of Andromache or Priam, although he could, without emotion, hear the cries of thoſe whom his ſanguinary proſcriptions had doomed to death.

No one pities that in another, generally ſpeaking, which he feels himſelf in no danger of ſuffering. Kings rarely eſtimate themſelves as a portion of mankind, and have therefore been ſeldom ſeen to ſhow a ſuperabundant anxiety for their ſubjects. A rich man cares not for the poor, becauſe he is in no dread of that ſituation; poverty combined with ſickneſs may make him ſuſceptible, becauſe he is liable to the latter: this is no cenſure, nor urged as a neceſſary conſequence, but it is a bias that the frailty of our nature is but too apt to take. It will however be found upon obſervation, that the

poor are very unfeeling for each other, from another cauſe; they are ſenſible of the danger of becoming objects of commiſeration, or perhaps are ſo, but it does not produce pity for their fellows; they are affected, as if they were candidates for the ſame thing, and are actuated by that jealouſy which ſuch a ſituation excites, and they are often dejected when relief is adminiſtered to another.

Pity is one of the firſt ſenſations of the human heart; our early wants incline us to it: but it is unequally beſtowed in every perſon; the modifications are different, and belong to the character of every individual: ſome are moved by cries and tears, others deaf to them, yield to the ſight of blood, and yet feel nothing from ſaying that to another, which will be remembered in anguiſh during life.

Some men pride themſelves in being inflexible; they can be juſt they ſay, but deſpiſe clemency and humanity, as weakneſſes. What is generoſity, humanity, clemency and even juſtice, but an application of pity to the diſtreſſed, to the culpable, and to the human kind in general? Friendſhip is but the conſtant

ſtant production of pity, directed to a particular object, or the exertion of our endeavours that ſuch a perſon may have no wants, and be happy. It ſeems a peculiar kind of misfortune in our natural conformation, that we ſhould be able to feel, with ſome exactneſs, the condition of a perſon in diſtreſs; but have no power to aſſimilate ourſelves to thoſe, who are more happy than we are; but it is not without its uſe; for whoever will reflect on this, can never want an incitement to Benevolence.

In the general proviſion for the poor in this country, a man may appear to himſelf without reproach, in refuſing to give any to beggars; but notwithſtanding what the laws have done, there is a want of ſomething in the execution of them, that leaves many in a deplorable ſituation. But without reſting on this, thoſe who have the means of aſſiſtance, know, that the poor are their brethren, and that without hardening their hearts, they cannot with-hold the pittance that is aſked.

The greateſt part are vagabonds,—we allow it; but we are too well acquainted with the evils of life, not to know, that there are

many circumſtances, which may unavoidably reduce an honeſt man to ſuch a ſtate: ſometimes even nice ſenſibility and a laudable pride, may drive him from thoſe, who had been accuſtomed to conſider him with reſpect; and how can we tell but that this unknown, who in the name of God aſks for a morſel of bread, may be this honeſt man, ready to periſh through miſery, and that our refuſal may drive him to deſpair.

A trifle, though no real ſuccour, is however a conſolation, is a courteſy, and a teſtimony that we take a part in their miſery: whatever we may think of theſe unfortunate wretches, we owe ſomething to ourſelves, to our ability from what Providence has put into our hands, to our rank in life, and to the example we may be to others.

We ought not to encourage any to be beggars, but when they are ſo, a ſmall aſſiſtance to their wants, may preſerve them from being thieves: the giving a trifle, may have this two-fold good effect, it may ſave oneſelf from the reproach of having committed a fault, and the life of the perſon, who implores our aid: for no one can tell how

how near the poor perſon may be to extremity, from the operation of the paſſions, or the want of bodily refreſhment. It may be ſaid, that the generous are often impoſed upon by an affected appearance of diſtreſs, by mere acting; we allow it, yet thoſe who have often thought a crown well beſtowed on a Garrick, a Pritchard and a Clive, will not think much of a few pence to an underactor.

Pity is ſometimes a weakneſs ariſing from a natural defect in the conſtitution, and is then generally exhauſted in words and grimace; which, as we obſerved before, ſometimes impoſes ſo far on perſons thus conſtituted, as to perſuade them that they are acting above human nature, when they diſplay their tenderneſs alike to cats, dogs, monkies, and the human race; they have a tear for all, as it may be required; but if ſuch perſons would take the pains to examine themſelves, they might diſcover, that they are of a ſniveling conſtitution, and that the tears they ſo liberally beſtow, are really an accommodation to themſelves, and of no uſe to any other creature.

There are many perſons, whoſe compaſſion is

is unbounded without any mixture of weakneſs, not only to their fellow creatures, but to every part of animated nature, upon the principles of pure Benevolence; and to ſuch the ſight of diſtreſs, ſpontaneouſly creates endeavours to relieve it, which are attended with the higheſt gratification, that the mind is ſuſceptible of: to relieve the diſtreſſes of the poor and wretched is the only act, by which we can pretend to imitate divine goodneſs.

A

LETTER

ON

EDUCATION.

LETTER

ON

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ON

EDUCATION.

DEAR SIR,

THE contrariety of argument to be met with in the different ſyſtems propoſed for the Education of youth, evinces the difficulties which belong to the ſubject; for without ſaying any thing of the mode of inſtruction, ſome will have it adminiſtered in great ſchools only, whilſt others contend for ſuch as receive a ſmall number. I ſhall, therefore, communicate to you ſome obſervations I have made, which you will perceive are not intended to ſupport either opinion, or recommended as applicable to a general uſe.

Mr. Locke, in his "Thoughts concerning Education," propoſes nothing more than to make his pupil an healthy and virtuous gentleman. I ſay, nothing more; becauſe in the univerſal practice of all great ſchools, they certainly intend nothing leſs than that. Whilſt he is content to give rules for the forming an happy and virtuous member of ſociety, the grammarians hold out the flattering hopes of ſupplying the nation with great choice of lord chancellors, arch-biſhops, and judges.

They who argue in favour of great ſchools, dwell much on the ſharpneſs that may be acquired there; but very wiſely ſay nothing of manners and morals. They reckon much upon the future benefits from connections they will form with the young nobility; which, it muſt be allowed, may be uſeful in the metropolis, to a man of Weſtminſter-hall, a phyſician, or church-man, provided he is of eminence enough in his profeſſion to do without them. There is no denying that ſome men have profited by ſuch accidents, and ſome have gotten the greateſt prize in the ſtate lottery. Such pleaſing reveries ſuit very well with the wiſdom of thoſe parents, who

who will abate nothing of riches or honours to their darling repreſentatives.

I have ſeen many inſtances where the deſire of being particularly noticed, by thoſe of a very ſuperior rank, has been attended with a ſevere diſappointment, or a dear earned compenſation; and this is ſo common, that it may be deemed a natural conſequence.

The pompous diſplay that is made of the methods of teaching Latin and Greek, by a diſcipline full of heart-breaking miſery to children of a delicate frame, and which is of little uſe to the robuſt who can muſter reſolution to meet it, is matter of laughter to thoſe who have paſſed through it. One boy in twenty has the good fortune to diſcharge his mind and memory of all repetition, ſyntax, and proſody, that may be put to him, without knowing more of the matter than thoſe who had done their beſt, had ſunk under the burden and were puniſhed.

I ſhall not enlarge upon the vicious and idle habits which are, in a manner, inculcated in the firſt-rate ſchools; to which a right reveverend prelate belonging to one of the univerſities, has imputed the ſmall gains now acquired

there: the ſilent admonitions of old college rules, or the gravity of a proctor, make ſlight impreſſions on the minds of thoſe who have been initiated in the orgies of Covent-Garden.

Schools are very convenient and neceſſary to parents, whoſe profeſſions in life put it out of their power to ſuperintend the Education of their children; to ſuch whoſe love of pleaſure inclines them to conſider their offspring as a drain to their purſe; and to thoſe who cannot ſupport the expence of a private tutor.

The man who has well reflected on his duty as a father, will admit nothing of ſmall concern to interfere with one of ſo much weight as the Education of his children. The too general practice of ſending infants from home to be nurſed, where the parents can bear the charge attending its being done under their own eyes, and afterwards continuing the baniſhment by packing them off to ſchools, may ſhield ſuch parents from cenſure, but no argument can be produced to excuſe the cruelty and injuſtice of the meaſure.

They

They who have not had what is called a good Education, and have been fortunate in their enterprizes, are ever ready to believe that, with ſuch an advantage, they might have compaſſed much greater things, and conclude that every avenue to ſucceſs is ſecured to their children, if maſters and teachers of all kinds are provided. They go to work as if good ſenſe and genius were marketable, and that the different ſciences might be ſtuffed into the cranium, as one would pack a portmanteau; whilſt thoſe who have received the advantages that belong to the cuſtomary modes of Education, if they happen to have a turn for ſtudy and the attainment of knowledge, can readily eſtimate the value of what may juſtly be placed to the account of ſeven years toiling at the unintelligible jargon of Pædagogues.

Rouſſeau ſays, that if a boy was taught nothing till he was twelve years of age, he would have as much underſtanding at fifteen, as if the greateſt pains had been taken to inſtruct him from the earlieſt age; and inſiſts, with every appearance of truth, that his mind would be the ſtronger. But as it is ſcarcely poſſible to keep down inquiry concerning a variety of objects that would excite it, even

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in the moſt retired ſituation, his aſſertion goes chiefly to this, That the anſwering their queſtions in the moſt plain and ſimple method, which is the ſloweſt mode of inſtruction, is all the information that children are capable of receiving: what is got in this manner is their own, and not to be effaced like the faint impreſſions made on their minds by what they do not comprehend, or wiſh not to be acquainted with.

He inſiſts much on the early part of Education being of the greateſt conſequence, and would have this committed to the female part of the family, as the propereſt guardians of the infant ſtate; which he wiſhes alſo to be prolonged. The mildneſs of diſpoſition in women, the dependance which many mothers, if they become widows, muſt have on their ſons, their being conſtantly at hand to give them due attendance; all theſe things intereſt them more in the ſucceſs of their endeavours, than can be expected from a father.

How many will be ready to thunder out their anathemas againſt ſuch folly, as committing boys to the care of their mothers, who will certainly ſpoil them! If a Mother ruins her child's diſpoſition, by an ill-judged indulgence,

indulgence, in that ſhe is certainly to blame. If a mother is deſirous that her child ſhould be happy, in that ſhe is reaſonable; and if ſhe miſtakes the means, ſhe may be ſet right: but are there not forty children who receive irreparable damage from the ambition, tyranny, avarice, negligence, fooliſh foreſight, and brutal inſenſibility of fathers, to one who is hurt by the extreme tenderneſs of a mother?

No man in his ſenſes will diſpute for the preference between a father or mother, where both are equally alike improper for the charge; but *cæteris paribus*, the mother is the beſt: a woman of good ſenſe, is to be preferred to a ſenſible man. Thoſe who affect to deſpiſe female guardians, may not know, that the Romans, in the zenith of their glory, committed the care of their ſons to the women of the houſhold, till they were eight years of age.

There are two miſtakes in particular, that parents are liable to; an extreme readineſs to publiſh any errors they diſcover in their child's conduct, and to ſhow a petulant anxiety at its not taking learning, as they call it, ſo quick as they wiſh. For the firſt, if

if they would reflect, they must think it an unreasonable liberty to take with the child of a friend: the world is sharp-sighted enough in discovering every person's faults; but for a parent to proclaim them, is absurd and cruel. In the other case, let them examine the state of their own knowledge, and how they came by it, and they will abate in their expectations; besides it should never be forgotten, that success in life is not the certain lot of understanding, nor is great learning the source of happiness; and that the highest degree of school acquirements, is often vain and frivolous.

Young persons, who make the best figure at school, are too apt to imagine they have done all that is necessary, and grow idle; whereas, those who are slower in their acquirements, if they incline to pursue their studies at a riper age, soon leave them behind. The learning attained before twenty years of age, is productive of little useful knowledge, if it is not cultivated afterwards by study and reflection.

The minds of children are flexible and ready to receive any impressions; but is it therefore, necessary to fix in them the names

of

of kings, rivers and cities, that have no longer any exiſtence? I have ſeen a boy at ſeven years of age able to read in Homer; in which I found nothing to admire but the abſurdity of his father, who had himſelf taken the pains to torture the child's mind and memory to ſo vain a purpoſe: ſuch little prodigies raiſe the ſelf-conceit of their preceptors, who in return plant arrogance in the minds of their pupils. There is better encouragement to a father's hopes in a child that is ignorant, than in one that is vain; for vanity is a quality that is very apt to increaſe, whereas ignorance diminiſhes daily.

There is no fear of children's minds ſuffering for want of employment, they will conſtantly be at work, and profitably to, if they are allowed the uſe of their natural endowments; free from fetters, and that conſtant oppoſition they meet with in moſt kinds of Education.

Children have a will of their own on all occaſions, equally with thoſe who think that they have a better right to it; and which, like their elders, they maintain more or leſs ſtrenuouſly, according to their diſpoſitions. Lord Cheſterfield's ſon, would poſ-

ſibly have preferred the hangman's office, to that of acting in a public character abroad; which was preſſed upon him by his father, who had not thought proper to conſult his diſpoſition, or paid no reſpect to to it, in this matter. He miſtakes the buſineſs of Education, who thinks that his opinions are always to be received on account of his wiſdom, or authority; for either of theſe urged improperly, will but increaſe the oppoſition. This is no fault in the child, it is human nature; his father had it before him. Many riſing inclinations ſubſide if unnoticed or managed with addreſs, that would grow incorrigible by oppoſition.

Indolence and careleſsneſs ſeem to be vices natural to children; but they diſappear in their ſports and play, where they are ſeen to be lively, full of application, exact obſervers of rule and ſymmetry, and will ſet up and pull down many times, and not pardon the leaſt fault in each other, that tends to defeat the completion of their deſign. When learning is therefore made their choice and amuſement, it is no wonder that they ſhould draw more profit from it, than can be extracted by the fear of chaſtiſement, which makes

makes them hate their book as the chief cauſe of all their unhappineſs.

Hoc patrium eſt, potius conſuefacere filium
Sua ſponte recte facere, quam alieno metu.
Hoc pater ac dominus intereſt: hoc qui nequit,
Fateatur neſcire imperare liberis.

TER. ADELP.

The reſtraints and attentions required in Education are ſufficiently irkſome to children; the gentleſt means ſhould therefore be employed, to engage aſſiduity; and if correction be neceſſary, it ſhould be adminiſtered with the reluctant tenderneſs of a parent, and the kind expoſtulations of a friend, and not inflicted with the countenance of a fiend, and the laſh of a hard-hearted taſk-maſter. If they have a due ſenſe of their fault, there is no need of correction; and if they defy correction, little good is to be expected; and the more frequent the uſe of it, the more obſtinate and hardened they be-

* Tis a father's part to uſe his child ſo, that his own choice, rather than outward conſtraint, may put him upon doing well. Here lies the difference between a father and a maſter, and he that does otherwiſe, let him own, that he knows nothing of what belongs to the government of children.

come. There are but ſmall hopes to be entertained of thoſe children, who cannot bear indulgence; I mean by indulgence, an oppoſite behaviour to that eternal teaſing and ſeverity, ſo often practiſed.

Education is uſeleſs where there is no confidence; children know better than any body when they deſerve chaſtiſement, and ſeldom deſerve more than they fear; they know exactly if they are puniſhed with propriety, and receive great damage from chaſtiſement wrongfully inflicted. I have taken the trouble to examine into the cauſes of ſome diſturbances in the very great ſchools, called rebellions; and I have always found them to originate in the maſter's improper behaviour.

The benefits of Education flow from the right proceedings of the inſtructor; from his knowledge of human nature; and his inculcating that knowledge which is the reſult of his experience in the affairs of the world. In this view it may be ſaid, that "Education forms the Man."

You remember the young *****, the eldeſt at eleven, the youngeſt at nine years of age.

age. Theſe boys had never been at ſchool, and had been brought up with an unremitted tenderneſs and moſt unlimited indulgence. They had been taught to read by their mother; and, from a perſon who attended them three times in a week, for an hour only each time they could, in about three years, render any French book into Engliſh at ſight, in correct, good language. At this period they entered upon the uſe of the grammar rules, for the conſtruction of the French tongue. They were taught Latin in the ſame way, beginning with Latin and Engliſh books after a ſlight knowledge of the declenſions of nouns and conjugations of verbs, and in leſs than two years, they had read through the Georgics and every book of the Æneid; ſome Ovid and other books. The three firſt years at ſchools are thrown away on grammar; but by acquiring a trifling knowledge of the language, by ſentences of eaſy conſtruction, the application of the grammar rules become intelligible; whereas when adminiſtered in the uſual method, they are beyond the reach of children, and tend rather to ſtupify than illuminate their conceptions. If any one doubts of this, let him read over his Lilly's grammar; there can be no reaſon why, in great ſchools, they

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are refuſed the uſe of Latin and Engliſh books to aſſiſt them in conſtruction, but that they would acquire the language faſter than the maſters wiſh they ſhould.*

Grammar

* At Deſſau, in Germany, there is an inſtitution for the education of youth, and for making the foundation of learning eaſy and agreeable, with little conſtraint, and in a manner which joins the *dulce* to the real *utile*.

Many queſtions having ariſen concerning the practicability of this ſcheme, and the real progreſs of inſtruction obtained by this new method, ſeveral perſons of learning attended, from different parts of Germany, (May 13, 14, 15.—1776.) at Deſſau, to examine into the progreſs of the ſcholars; an account of which examination, is given in the Berlin Review, vol. 29, part II.

Boys of ſeven and eight years of age, who had been in that inſtitution a year or a year and a half, were heard, not only to prattle French and Latin very currently, but it was found that they actually underſtood good Latin.

Divers of the examiners opened claſſic authors, wherever they pleaſed, and the boys tranſlated them directly; reading their tranſlation out of the Latin book as if it had been tranſlated for them on a written paper.

Several of the learned ſtrangers preſent, examined them, in Latin, with regard to any paſſages in ancient or modern hiſtory; to which, the boys gave ſatisfactory anſwers,

Grammar may be compared to ſinging, in which many arrive at a reſpectable execution without the knowledge of notes or compoſition. How many perſons write and expreſs themſelves elegantly in their vernacular tongue, by practical obſervations only! we ſpeak of grammar as if every body underſtood it, but I am ſafe in aſſerting, that there are as few grammarians, in the ſtrict ſenſe of the word, as there are good poets: but good ſenſe and attention can never fail of attaining a knowledge of any language, ſufficient for every purpoſe.

The Greek philoſophers, of all the different ſects

anſwers, on the ſpot, in Latin. It was the ſame in arithmetic, geometry, and trigonometry, which were ſolved by the boys with that readineſs, that might have been expected from profeſſed maſters.

The ſtrangers are amazed at their progreſs, on account of the ſhortneſs of the time, and the little reſtraint put upon the children; as it has been all effected amidſt cheerfulneſs, and continual variety of bodily exerciſe.

The names of the maſters are, Baſedon, Wolke, Simon, and Schweighauſer. I honour theſe men, tho' I do not know them. I honour too the prince of Deſſau, for the encouragement which he has given to the inſtitution.

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ſects or ſchools, were unanimous in decrying the methods uſed by the grammarians, in teaching the youth at Athens; they began with putting Homer into their hands, becauſe, as they ſaid poetry was written before proſe: and there is no doubt but their fellow-labourers of this day, would reaſon as well in defence of their modes, and would not deign to give any anſwer, if they were aſked, how a knowledge of the mother tongue was acquired?

The boys, I mentioned, had pencils given to them at a very early age for their amuſement; the conſequence was, that when you ſaw them, they could delineate any thing they ſaw or read a deſcription of, had a tolerable notion of light and ſhade, and laying on water colours; and all this as a matter of paſtime, without the aſſiſtance of any drawing-maſter. Writing, which is a kind of drawing, was the work of a month only. With each a map of the world, they had made themſelves ſo good geographers, that there are but few men who have ſo complete a knowledge of the ſurface of the globe.

Their father's plan was never to hurry, or urge any thing ſeriouſly; and he declared that

that he oftner interferred to draw them off, by ſome trifling amuſement, than to engage their attention to whatever he wiſhed them to acquire. Your obſervation, that they would be men without ever having been children, is juſt; their ſpirits having never been depreſſed by the violence of a fooliſhly conducted ſubordination. The grand *deſideratum*, is, to give children a diſpoſition to ſtudy and reflection, that they may profit by it when they go into the world, and are of an age to learn.

It is no very uncommon thing to ſee children who, at the earlieſt age, diſcover a diſpoſition to be managed without ſeverity, and whom the moſt extenſive indulgence can never induce to any vicious inclinations: for good diſpoſitions will make every return to frankneſs and confidence. How cruel is it to break ſuch generous noble ſpirits by a ſavage and tyrannical behaviour!

Thoſe parents who have good reaſon to ſuſpect the frowardneſs of their ſtock, are excuſable in turning them over to the tormentors; as are thoſe alſo, who are conſcious that they may exhibit ſome things to their obſervation, which may not exactly correſ-

pond with what is abſolutely neceſſary to a good Education.

They who inſiſt on the uſefulneſs of great ſchools, ſay, that the meek will there acquire ſpirit and ſharpneſs, to fit them for the world, as they call it; whereas it is notorious, that encouragement is the lot, only, of the bold and forward. It is in the company of men of good breeding, after leaving ſchool, that the gentle ſhake off their timidity; and for the ſharpneſs of a ſchool boy, it is generally founded in ill-mannerly rapaciouſneſs. Another of their arguments is, that ſheepiſhneſs or baſhfulneſs muſt always accompany a private Education; and ſo it may if the children are under improper management. But it is certain, that where ſuch a tendency ariſes, as it generally does, from a conſtitutional debility of nerves, they ſtand a better chance to ſhake it off, by an attention directed to it under the parent's eye, than from the total neglect of it at ſchools. Weak nerves can never be cured by buſtle and violence; but by a proper treatment may be much aſſiſted. As to baſhfulneſs, where it is not from a conſtitutional defect, let me give you a familiar inſtance

ſtance, that it has nothing to do with ſchool Education: the quakers do not ſend their children from home, and yet I am confident that you never ſaw a baſhful young quaker; and rarely a forward, impudent one. And here I will do the quakers the juſtice to obſerve, that I think them the moſt reaſonably living, and the happieſt people in the kingdom.

Is it not ſtrange, that old as our planet is, it ſhould be the conſtant rule of Education, to conduct children to the end propoſed, by unworthy means? either jealouſy, fear, envy, or vanity, all of which grow into vices of the moſt unhappy tendencies, is planted in the heart, to cheriſh whatever is offered as inſtruction for the head.

I am certain that the uſual method which confines youth to intenſe and tedious application, to attempt to gain a grammatical knowledge of the dead languages, which they never uſe, is abſurd, as well as the puzzling them with hiſtories of times wholly inapplicable to their own. The ſame time beſtowed on their vernacular tongue; the French language; on the knowledge of ſomething that might be uſeful or amuſing, excited by their curioſity or natural inclination;

or on things relative to their future buſineſs in life, would be ſure to produce a laſting benefit; all theſe things are natural in a home Education. Good manners, and other amiable qualities attained under the conſtant attention and example of their parents, and their acquaintance, will lay the foundation of all proper acquirements, better than can be done by any preſent ſyſtem of ſchool Education; which generally conſiſts in an affectation of doing great things, by means totally inadequate and impertinent.

To a young man, brought up as I have propoſed, a few months application, after fifteen with a preceptor, if he is intended for one of the learned profeſſions, will make him maſter of Latin and Greek, enough to inform himſelf of all that is neceſſary to fit him for either of the univerſities; and being untainted with vice or habits of idleneſs, he cannot fail of profiting, in the fulleſt manner, in whatever may be the object of his wiſhes and endeavours.

Many parents, who had promiſed themſelves happineſs from friendſhips with their children, which perhaps ſociety had failed to furniſh, have ſuffered diſappointments, and

and charged their blameleſs children with ingratitude. If the foundation of that felicity is laid at an early time, by the proper care and attention of the parents, there is no reaſon to fear that the remembrance of it will be effaced. The mother, whoſe breaſts have been the delight and ſupport of her children, ſhall have them cheered in the evening of her days, with reverence and love; as ſhall the father who has manifeſted his right to it, by an affectionate diſcharge of his duty, in ſuperintending their Education.*

On the ſubject before us, the world is too apt to reaſon, as in moſt other caſes, from general maxims, which lead us perpetually into errors; but here it is particularly to be noted, that there cannot be two caſes alike, ſo that hints only are to be expected. This indeed may be inſiſted upon, that where

* Some parents expect that the anxiety and care they feel on account of their children, ſhould, in them, produce a like tenderneſs, and ſhould be always in their memory. This cannot be, from the nature of youth. They ought rather to think, that in a faithful diſcharge of their own duty, they repay what they were indebted to their parents, on a like account: and thus parental kindneſs is handed down from generation to generation.

a father

a father will do all he can, it muſt have better ſucceſs, than from any other perſon; becauſe the intereſt the father has in his ſon, and the reciprocal attachment, can never take place in another man.

I think you will allow me to have kept my word in not propoſing any thing with a view to a general plan of Education: but if only fifty young men in a year, throughout the kingdom, are ſent into ſociety on the plan I have ventured to propoſe, I have no doubt, but they will be happier themſelves, and as far as example goes, will be more uſeful to others, than can be expected from the common methods of enſlaving and debaſing the mind.

Writers on general Education fall into one and the ſame error; they want to change the order of nature, whoſe delight is variety; they forget that in the numbers of families which form an empire, there are no two ſituations exactly alike; and of courſe what may be proper, or to the mind of one, will be rejected by another. The late biſhop of Autun has written a treatiſe on public inſtruction, publiſhed by the order of the national aſſembly in France; wherein he ſays as much as is neceſſary

neceſſary to enforce a public education: nevertheleſs, what he propoſes would have an ill effect were it practicable.

The happineſs of a people depends more on its manners, than on any other thing; which above all, are improved and preſerved in purity, by induſtry. What would a wider diffuſion, of what is called learning, do in this country? to anſwer this by aſking another queſtion, have we not more writers and readers than are neceſſary? it is this poliſh that is one of the cauſes, that ſo few in the kingdom are now to be found in their right place, or under that deſcription to which they naturally belong.

Such learning as would probably follow a general and uniform Education, would fill a nation, with conceited, idle babblers, and with confuſion. If ſuch a ſpirit of induſtry could be ſo generally planted in every boſom, among the common people, that a man, when he had finiſhed his day's labour, would be ready to go half a mile to help a friend, he would be much better employed, than in talking of what can never concern him. In America, where they are great readers, I have ſeen four men on the roof

of

of a houſe employed on a newſpaper, and not completing that in a day, which two Engliſh labourers would have done.

Some men have the good fortune to increaſe their content from knowledge; but is by no means a general ſource of happineſs: but for the herd who are to plow, ſow, fight battles by ſea and land, and live by the ſweat of their brow, which eminently ſuits the natural poſition of our iſland, the great maxim to be inculcated is, *Labor omnia vincit.*

I am Dear Sir, &c. &c.

CONCISE ACCOUNT

OF THE

RISE AND PROGRESS

OF THE

ENGLISH CONSTITUTION,

FROM THE CONQUEST.

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THE Feudal law is the baſis of the political government and of the juriſprudence, eſtabliſhed by the Normans in this country; the nature of which, in the outlines, every perſon is acquainted with.

Attachment naturally follows the poſſeſſion of a portion of land, accompanied with the idea of property; both of which tend to make the poſſeſſor forgetful of the dependance and conditions annexed to the original grant. It ſeems equitable, that he who ſows ſhould reap; hence fiefs, at firſt precarious, were made annual. Building, planting, and

other improvements, extended the expectation of further favour; hence they were next granted for a term of years. To expel a man who had fulfilled all his engagements, and the conditions on which he originally received the fief, ſeemed hard; hence, in a ſubſequent period, the chieftains demanded the enjoyment of the feudal lands during life. It was diſcovered, that in battle a man would more readily hazard his life, if his family was ſure of inheriting his poſſeſſions; hence fiefs became hereditary, and deſcended, during one age, to the ſon; then to the grandſon, next to the brothers, and afterwards to more diſtant relations. The idea of property ſtole in gradually upon that of military pay, which was the firſt intention, and each century made ſome addition to the ſtability of fiefs and tenures.

In this hiſtory of acquiſitions, the power of the prince ſuffered: the chieftain ſure to be backed by his raſcals, who were to be ſharers, boldly advanced new pretenſions; till at length, too powerful to apprehend any thing from the ſovereign, they ſecured by law, what they had acquired by uſurpaſion; till in the end, thoſe titles were preferred to allodial

allodial or free titles: the firſt was an aſſociation of force and protection; the other ſtood alone, and were at laſt driven to the neceſſity of reſigning their poſſeſſions into the hands of the king, or ſome perſon of power and valour, and received them back with the condition of feudal ſervices. Thus the political government was devoured by the feudal, and the kingdom divided into baronies, and thoſe into inferior fiefs.

The king was ſupreme lord of the landed property; and all poſſeſſions were conceived to be, in ſome degree, a ſpecies of benefice. As the vaſſal owed ſtated ſervices to the baron, ſo the baron himſelf did to the crown; the vaſſal was bound to defend his baron in war, the baron at the head of his vaſſals, to fight in defence of the king and the kingdom. Beſides the military ſervices, there were others impoſed of a civil nature.

If the king wanted more from the barons than were due from their tenures, he was obliged to aſſemble them and aſk their advice and conſent; for at that time, men bred to arms, would not be governed by the abſolute will of another. In one view, the barons

rons conſidered this attendance as a privilege; in another, as a burden: the expence, and leaving their domeſtic affairs, made them wiſh to be exempted. On the other hand, the king wiſhed to have a full aſſembly; the chief badge of their ſubordination to the crown: beſides, a thin meeting had leſs authority with the public at large, in its determinations.

It was the ſame with the barons in their courts: the kingdom was a great barony; a barony, the epitome of a ſmall kingdom: but the vaſſals fell under a greater ſubordination to their lords, than the baron himſelf under his ſovereign, and that from a natural tendency, from his riches, hoſpitality, and a variety of things productive of authority. If the king acquired any addition to his power in war, he was ſure to loſe it in the intervals of peace and tranquility: the baron could demand redreſs; the vaſſal had no appeal from the court of barony. Such was the ſtate of the government under the firſt Norman princes.

When the ancient fabric of the Saxon legiſlature was ſubverted, and the natives ſubdued by William, his authority over the barons conſolidated

conſolidated the whole into one compact body; the barons were eaſily managed while they remained as an army, from whence ſome have paſſed great eulogiums on his fortune and abilities: it was afterward a different taſk; when the barons were ſettled in their caſtles and coaleſced with the people, the king was then only the greateſt baron, and then perſonal vigour and ability were requiſite in the ſovereign.

The power of the kings of England, however increaſed, whilſt that of ſome other princes, which had the ſame origin, was leſſened; and though it appears but little analogous at firſt view, the power of the crown, was the firſt cauſe of the preſent conſtitution. The kingdom of France, with a like feudal origin, ſunk gradually under the moſt abſolute monarchy, whilſt this kingdom attained the ſummit of liberty. In France the royal authority was inconſiderable; the lord's, every thing; the bulk of the people accounted for nothing; being the ſlaves of their lords, they were engaged in their quarrels amongſt each other, and againſt their ſovereign, without any chance of receiving advantage. When the time arrived that

that the lords were ſwallowed, one by one, by the predominant power of the reigning prince, the few privileges that had been granted to the lower orders, were little reſpected by a ſovereign who had entered into no engagement on that account, and found himſelf in a condition to impoſe his will, and preſerve his authority.

In England the exceſſive power of the king was the cauſe of general freedom; it there excited a ſpirit of union and co-reſiſtance. The different orders of the feudal government were connected on other terms than in France; by which means the ſpirit of liberty pervaded the whole maſs. We apprehend that it may thus be accounted for, that in France, the lords were the old and accuſtomed territorical maſters of the people; whereas, the Normans being ſtrangers, they oppoſed the ſovereign, were obliged to court their under-tenants, and let them participate in the advantages which accrued. By degrees the people inſiſted, that every individual ſhould be entitled to the protection of the law; and thus did thoſe rights, in which the lords had intrenched themſelves, become a bulwark

a bulwark of defence to the people, both againſt the king and the barons.

In forty years after the conqueſt, and in the reign of the firſt Henry, the cauſes mentioned began to ſhow their effect; for this Prince having aſcended the throne, to the excluſion of his elder brother, was obliged to reſort to the affection of his ſubjects: he mitigated the rigour of the feudal laws, but on condition, that the ſame ſhould extend to their reſpective vaſſals. The Curfeu and other heavy laws on the people, eſtabliſhed by the Conquerer, were aboliſhed.

Under Henry the ſecond, the ancient trial by jury made its appearance again, though imperfectly. But it was under the deſpotiſm of John, that the full force of this effect was ſeen, by a general confederacy being formed againſt him, which obliged him to ſubmit himſelf to the diſpoſal of his ſubjects, who exacted from him that famous charter, called Magna Charta. The great charter, was, as it were, a general banner ſet up for the perpetual union of all claſſes of the people, and the foundation on which all equitable laws were to be conſtructed.

Under

Under the reign of Henry the third, the various conflicts between him and his barons, were all terminated with an increaſe of importance to the people, who obtained new privileges by the ſtatutes of Merton and Marlebridge.

Under Edward the firſt, in thirteen years only, the laws arrived at once at perfection, from the wiſdom of the prince, who ſaw that a ſtrict adminiſtration of juſtice would curb the turbulent nobility, and conciliate the people. This era affords the firſt inſtance of a *legal* admiſſion of the deputies of towns and boroughs into parliament, for the purpoſe of raiſing ſubſidies.*

Edward

* The ſame thing had been uſurped by Leiceſter in the former reign.

From the conqueſt to this period it was the deſtiny of the people of France, to be the ſlaves of their numerous and haughty nobility; for though they had aſſemblies of the general eſtates, ſomething reſembling our parliaments, which admitted deputies from ſome towns, under the title of the third eſtate, yet as they were from particular parts of the king's domain, no influence accrued to the people; ſo far from it, that it ſoon became a maxim there, *que vent le roi, ſi vent la loi;* the will of the king, is the will of the law.

The people oppoſed the oppreſſion and inſults of their

Edward was obliged to confirm the great charter no leſs than eleven times during his reign; but he converted a precarious privilege into an eſtabliſhed law; for in the ſtatute, *de tallagio non concedendo*, it is decreed, that no tax ſhall be laid, or impoſt levied, without the joint conſent of the lords and commons. This was the engine with which the people were thenceforth enabled to oppoſe

their haughty nobility in 1357, at Beauvais; but it terminated in the deſtruction of ſome thouſands of them: in their ſimplicity they ſaw no remedy but in the eſtabliſhment of the regal power, which might reduce their oppreſſors to the ſame level with themſelves; and the nobility having never cultivated their affection, had nothing to oppoſe to the gradual advances of the royal authority; ſo that in the reign of Louis the eleventh, the general eſtates were aboliſhed.

The French parliaments do not comprehend the meeting of the eſtates of the kingdom, but are courts of juſtice. The edicts of the king, reſpecting any part of his government of the realm, are there regiſtered, to give them the force of a law. If the act is thought grievous to the ſubject, the parliament can reject it; on a preſumption that they are not ſatisfied that it is the king's will. If he inſiſts, he comes there in perſon, and holds what is called a bed of juſtice; declares the ordinance to be his, and it is accordingly regiſtered. Each province has its parliament, and all of them are under the ſuperintendance of that of Paris.

poſe, and make legal conqueſts over the authority of the crown.

Under the ſecond Edward, the commons began to annex petitions to the ſubſidy bills; and under Edward the third, they declared they would not acknowledge any law to which they had not expreſsly aſſented. They impeached and procured the condemnation of ſome of the firſt miniſters of ſtate. In the reign of Henry the fourth, the commons refuſed to grant ſubſidies till their petitions had been anſwered. Under Henry the fifth, the nation was engaged in wars againſt France; and in the turbulent reign of Henry the ſixth, the laws were ſilenced amidſt the quarrels of the houſes of York and Lancaſter.

Henry the ſeventh mounted the throne with ſomething of the appearance of a conqueror. He had promiſes to fulfil, and injuries to avenge; the people had been worried out, and abhorred all idea of reſiſtance; and the almoſt exterminated nobility, was left defenceleſs to the mercy of the ſovereign. The commons, who had acted only a ſecond part, were afraid to form an oppoſition, without the aſſiſtance of their accuſtomed leaders; they therefore purchaſed ſuch ſecurity as they could get under the Tudors, at the expence

pence of liberty; and England ſeemed to ſubmit in its turn to the fate of all the other nations in Europe. But the advantages they had taſted, had made too ſenſible an impreſſion to be forgotten, and they ſoon vindicated the right of granting, or rather as they uſed it, of refuſing ſubſidies: they clung obſtinately to this plank of the wreck, which was deſtined to prove the inſtrument of their preſervation.

Under Edward the ſixth, the tyrannical laws againſt treaſon, framed by Henry the eight, were aboliſhed; but Mary was enabled by her fanaticiſm, and that of a part of her ſubjects, to aſtoniſh the world with her cruelties to the reſt.

In the long and brilliant reign of Elizabeth, England began to breathe anew; and, the proteſtant religion being again ſeated on the throne, brought with it ſome freedom and toleration. The tyranny of the ſtar chamber however continued, and the inquiſitional tribunal of the high commiſſion court was even eſtabliſhed; but pity for the former ſufferings of the queen, her great talents, and the glory of her reign, ſerved to juſtify and excuſe her to her ſubjects, and

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in ſpite of her principles of government, have ranked her among the greateſt ſovereigns.

The nation recovered from its lethargy under the Stuarts. James the firſt was imprudent enough to make an oſtentatious diſplay of what his predeceſſors had been content to enjoy, by keeping it confined to the cabinet; which alarmed the people, and revived an oppoſition to the ſovereign, which had been long dormant. The ſtorms which had been ſome time gathering, burſt with all its vengeance upon Charles the firſt. The notions that had heretofore formed a ſpirit to attack the eſtabliſhed faith, directed itſelf to politics, with the ſame inflexible obſtinacy: the commons were complete in the knowlege of the ſtate of the nation, and of their own force; and Charles had to cope with a nation put in motion, and directed by an aſſembly of crafty ſtateſmen. The compulſory loans and taxes, called benevolences, were declared contrary to law. Arbitrary impriſonments and martial law were aboliſhed, and the court of high-commiſſion and the ſtar-chamber ſuppreſſed, and in the conflict, at length, the king periſhed. The people

ple were amazed awhile, with the chimera of the authority of all, which ſoon manifeſted itſelf in the tyranny of a few; and they, at laſt, reſorted to the general principles of their former conſtitution, and invited over Charles the ſecond.

On this occaſion the ſame jealouſy was called forth to watch the like intemperance of prerogative in him, that had cauſed all the troubles of the former reign. The eagerneſs of Charles betrayed his projects, and the people reſolved to remove all remnants of deſpotiſm: the remains of ancient feudal tenures were aboliſhed, the law againſt heretics repealed, and the Habeas Corpus act eſtabliſhed.

James the ſecond followed openly the ſame project that had proved fatal to his family; and that on a more enlarged ſcale, although the execution of any thing which tended to exalt the royal prerogative, had been daily becoming more and more impracticable. But the people of England were now ſo well grounded in the conduct of their intereſts, that the depriving James of his crown was accompliſhed without any terrible convulſion, and even by a ſhort and eaſy operation:

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it appears a ſingular event in the annals of mankind, both with reſpect to its moderation and legality. The breaches that had been made in the conſtitution were repaired, and new buttreſſes conſtructed, by taking this opportunity to form an original and expreſs compact between king and people. A more preciſe oath was exacted from the new king. It was determined, that to impoſe taxes without the conſent of parliament, or to keep a ſtanding army in time of peace, are contrary to law; the power exerted formerly by the crown of diſpenſing with the laws, was aboliſhed; and a right in the ſubject to preſent petitions to the king, was eſtabliſhed; and a declaration of ſome other articles, formed, what was called the bill of rights, and became an act of parliament in the firſt year of William and Mary; and the liberty of the preſs was eſtabliſhed four years after.

The great charter marked out the limits in which the royal authority ought to be confined, and muſt be conſidered as the firſt grand era in the hiſtory of the Conſtitution; the ſecond was in the reign of Edward the firſt, when a few outworks were raiſed; but it is in the third grand era, at the revolution, that the fortification was completed.

A SUCCINCT

CHRONOLOGICAL

HISTORY OF FRANCE.

TRANSLATED AND *ABRIDGED*

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FRENCH OF MONS. HENAULT.

First Race.

509.

PARIS made the Capital of France.

511.

Clovis, the firſt King, died, after reigning — Years.

562.

Clotharius, the ſecond Prince who reigned alone, died at Compeigne.

613.

Clotharius II. was the third Prince who reigned alone. 617. Holds a kind of move-

able parliaments, called *Placita*; from whence the word Pleas is derived. 628. Dies greatly regretted.

Commencement of the Mahometan Æra, called Hegira, or the Date of the Flight of Mahomet, from Mecca, 622. He died of poiſon in 632.

628.

Dagobert, the third ſole King of France. Incredible Riches brought into France by the Levant Trade. 638. Died at Epinay. The Royal Authority abſorbed by the Power of the Mayors of the Palace.

688.

Thierry III. reigns alone. Pepin defeats him and uſurps the whole Authority, under the Title of Mayor of the Palace.

692.

Clovis III. Son of Thierry; under whoſe name Pepin continued to reign.

695.

Childerbert III. his Brother; in whoſe name alſo Pepin continued to reign. Dies in 711.

Dagobert

711.

Dagobert III. Pepin died in 714. The Saracens diſpoſſeſs the Viſigoths of Spain, who had got footing in 400.

716.

Chilperic II. but ſubject to the Authority of Charles Martel, the Mayor.

720.

Thierry IV. ſurnamed of Chilles. Died in 737. Charles Martel continued to Reign as Duke of the French; and dies in 741.

741.

Carloman and Pepin ſhare the Government. Pepin puts an end to the Interregnum, by filling the Throne with

742.

Childeric III. Council of Leſtines, which was the firſt in which they began to reckon the years from the Incarnation of our Lord. Dionyſius Exiguus was the Author. 743. Childeric was dethroned, ſhaved, and put up in the abby of Sithin, now St. Bertin, and died in 754. The end of the Race of Merovingians; after a ſpace of 270 Years, computing from Clovis.

Mayor

Mayor of the Palace, was called *Major Domus Regiæ, Palatii Gubernator, Præfectus*, &c. And afterwards, when at the head of Armies, *Dux Francorum, Dux et Princeps, ſub-regulus*. Kings and Princes of the blood at this time wore their Hair long, (a German Cuſtom) ſo that to render one incapable of Reigning, they ſhaved him. The general language was Latin.

SECOND RACE.

751.

Pepin proclaimed at Soiſſons.

768.

Charlemain and Carloman ſucceeds their Father. 771. Carloman dies. 774. Extinction of the Kingdom of the Lombards (which had laſted 206 years) in the perſon of Diſiderius, who was beat by Charlemain, who ſucceeded him as King. 788. The Dutchy of Bavaria united to the Crown of France. 799. Charlemain ſeized the Iſlands of Majorca and Minorca. 800. Crowned Emperor of the Weſt by Pope Leo III. The King of Perſia reſigns the Holy Land to the Emperor.

The

The Cuſtom of the Judgment of the Croſs, conſiſted in a determination in favour of him who could hold his arms extended in form of a Croſs longer than his Antagoniſt.

813. Makes his ſon Louis Colleague with him in the Empire. 817. Creates his ſon Lotharius, his Colleague; Pepin, King of Aquitaine; and Louis, King of Bavaria. 819. Title of Viſcount came to be known in the Perſon of Cixiline, Viſcount of Narbonne. Vidame. Vice-dominus. 830. Charles the Bald, Son by his ſecond wife Judith, together with the other brothers, ſtrip him of his Dominions; he is obliged to take ſhelter in a Convent, but afterwards reſtored. 833. His three Sons conſpire again; ſeize his Perſon, and oblige him to abdicate. 834. He is again Reſtored by diviſions among the Sons. 837. Finding himſelf Declining, he made a new partition, without naming a Succeſſor. He was the talleſt and ſtrongeſt Man of his time. The famous Rowland was one of his Officers.

840.

Charles II. ſurnamed the Bald. 877. Died at Brios, poiſoned by a jew phyſician, Zedechias;

Zedechias; in whom he placed the greateſt confidence. He gave a deadly blow to the royal authority by making dignities and titles hereditary. He had the title of moſt Chriſtian King conferred on him by the Council of Savonnieres in 859. Pepin and Charles ſtiled themſelves Kings by Divine Clemency; whereas the Kings of the third Race ſtile themſelves Kings by the Grace of God; as well with regard to Religion as to ſignify their independency on the Pope.

877.

Louis II. ſurnamed the Stammerer; Son of Charles the Bald by his firſt wife. He was obliged by Factions to diſmember his Demeſnes, which gave riſe to the Dukes of Britanny and Burgundy, and the Counts of Anjou and Provence.

879.

Louis III. and Carloman. 882. Louis dies. Carloman is killed by a Wild Boar.

884.

Charles the Fat, at that time Emperor. Dies without iſſue the contempt of his people.

Eudes,

888.

Eudes, Count of Paris, takes poſſeſſion in preference to Charles the Simple; who, however, kept the Country between the Seine and the Meux. Dies at la Ferre, aged 40.

898.

Charles the Simple. The Imperial Dignity is transferred from the Houſe of France, by his weakneſs, and becomes Elective. The great Offices, which before had been only Commiſſions, were rendered hereditary, becauſe the Empire had ceaſed to be ſo; and a Prince elected muſt ſubmit to conditions impoſed by the Electors. Neuſtria, now called Normandy, granted to the Normans. 922. He is Defeated by Eudes, who was himſelf killed; and Charles is confined in the Caſtle of Peronne, and dies in 929.

Rodolph Duke of Burgundy, brother-in-law to Hugh the Great, who refuſed the Crown, ſucceeds Charles after his defeat by Eudes. He is obliged to diſtribute great part of the Crown Lands among the Grandees. This is the Era of the firſt Inſtitution of Feifs, although ſome feint Traces may be perceived before this time.

936.

Louis IV. ſurnamed Tranſmarine from his Mother's having carried him to England, upon his Father, Charles the Simple, being made a Priſoner. Died at Rheims.

954.

Lothaire. He had been aſſociated with his father three years before his Death. Succeeded to the Crown at the Age of fifteen, under the Protection of Hugh the Great. Died of Poiſon at Rheims.

986.

Louis V. ſurnamed the Slothful, reigned but one year, and died of Poiſon at Compeigne. His Uncle ſhould have ſucceeded by right, but Hugh Capet ſeized the Crown. The end of the Carlovingian Race, which laſted 236 Years.

In the laſt Century, the Tongue was changed from Latin to what is called the Romance Tongue; that is, a mixture of the Frank dialect and bad Latin. There was alſo the Teudeſque, or Teutonic, introduced by the Franks: this appears by a Treaty between Charles the Bald and Louis the Germanic. Here the two Languages are very diſtinct; the

the Tudeſque is for the Germans, and the Romance for the Franks: this is the moſt ancient Record in France. Towards the end of the ſecond Race, the Kingdom was held by the Law of Feudal Tenures, and Governed rather as a great Fief than a Monarchy.

Third Race.

987.

Hugh Capet, the Founder of the Third Race, ſucceeded in perference to Charles Duke of Lorrain, ſon to Louis Transmarine, and uncle to Louis V. 991. Cauſes his ſon Robert to be Crowned with him. This is the age of Ignorance.

996.

Robert, Crowned at Orleans, aged 25. Concubines, that were allowed to the Clergy, were not what we mean by that word, for then they would have been contrary to Divine Law; but founded on a Roman Cuſtom, of having a Concubine at the ſame time with a Wife: it was *Semi-matrimonium*, and the Concubine *Semi-conjux*, and was a legimate union, though perhaps not underſtood

underſtood at this time in its full extent. In 1022 a Pope was elected of only eighteen Years of Age. Robert refuſes the Empire and Kingdom of Italy, both offered to him.

1031.

Henry I. He had been Crowned in his Father's life-time. The Emperors began to have their Sons created King of the Romans, in imitation, poſſibly, of Charlemain, who had been firſt created King of the Romans; but they kept this Cuſtom, after they were deprived of the Kingdom of Italy, by way of creating a kind of hereditary Right to the Empire, by pointing out to the people who were to fill the Throne when vacant.

1060.

Philip I. eight Years of Age. 1105. He aſſociates his ſon Louis, ſurnamed Craſſus or the Groſs, with him in the Regal Dignity.

1108.

Louis VI. or Le Gros, in a Quarrel with the Emperor, Henry V. the Clergy joined the reſt of his Vaſſals, and Suger, Abbot of St.

St. Dennis brought his Subjects to his Sovereign, together with a Banner of a Crimſon Colour fix'd to a Gilt Lance, and called Oriflamme. This Prince began to recover the Authority uſurped by the Vaſſals, by eſtabliſhing the Commons, or third Eſtate.

1137.

Louis VII. ſurnamed the Young. About this year the Code of Juſtinian was found in Apulia, and became the written Law of France. Abelard died in 1142, and Eloiſa in 1163. The Guelphs and Gibellines, two factious Parties in Italy, took their Riſe in this Reign: the former were attached to the Pope, the latter to the Emperor. In this Century are perceived the firſt Traces of Theatrical Repreſentations, in a Species of Devotional Tragedy, being the Miracles of St. Catherine: it was ſet on foot by Geoffry, afterwards Abbot of St. Alban's, in England. The repreſentation of Myſteries, generally looked upon as the firſt of this kind, did not take place till 1398. And in this Century were eſtabliſhed Schools in Cathedral Churches, and Monaſteries; to whom we are indebted for the preſervation of almoſt

moſt all the Works of the Ancients: the Monks employing themſelves in tranſcribing Books. In this Century, France, and other Chriſtian States began to uſe Coats of Arms.

1180.

Philip II. aged fifteen, ſurnamed Auguſtus. This is one of the moſt Victorious Princes. He checked the power of the Nobles and expelled the Jews, releaſing his ſubjects from all Debts due to them. A ſtrange Revolution happened to Henry the Emperor, ſurnamed the Lion: His Territories extended from the Adriatic Gulph to the Baltic; he was ſtripped of all by the Emperor Frederic, nothing more remaining to his family than the Dutchy of Brunſwic, which they now poſſeſs. From this Duke Henry, by Matilda, is deſcended King George the third of England. In 1214 it was that a Marſhal of France firſt commanded an Army. Henry Clement at the Battle of Bovines, againſt the Emperor Otho and his Allies, to the amount of 150,000 Men. The origin of Serjeants at Arms. The firſt Guards of the Kings of France diſtinguiſhed themſelves at this Battle. Philip ſubdued, and united to the Brown, Normandy, Anjou,

jou, Maine, Touraine, Poitou, Auvergne, Vermandois, Artois, &c.

1223.

Louis VIII. ſurnamed Cœur de Lion. He reigned three Years.

1226.

Louis IX. called St. Louis, aged 12 Years. This was the third Minority in the third Race. The time of his Minority was conſumed in Subduing the confederate Princes and Barons. 1241. Was formed the Aſſociation of the Hans Towns, for the protection of their Commerce. In 1245, in the Aſſembly of Lions, the Red Hat was appropriated to Cardinals. 1254. An Ordinance of St. Louis dated from St. Gilles. The three Eſtates were conſulted in matters relative to the Intereſts of the People. On one ſide of the King's Coin was a Croſs, and on the Reverſe, Pillars; from whence to this day, the different ſides of a piece of Money are called Croſs and Pile. Eſtabliſhment of the Police at Paris by Stephen Boileau. Inſtitution of the Military Order of the Ship and Creſcent.

1270.

Philip III. called the Hardy. The firſt letters

letters of Ennoblement granted to Raoul the Goldſmith. The laws of Appanage began to be better underſtood: inſtead of diſmembering the Demeſnes, Grants were made for a particular time, which again reverted to the crown; 'till Philip the Fair, they continued in the Females; but by his codicil, the county of Anjou, granted to his youngeſt Son, reverted to the Crown for want of Male Heirs.

1285.

Philip IV. called the Fair, aged ſeventeen Years. The firſt letters for creating a Dutchy and Peerage, were granted to John duke of Brittany, 1297. 1308. The prohibition of Duels in Civil Cauſes. It was the Inſtitution of Parliaments, ſays Loyſeau, that prevented our being Cantoned and Diſmembered after the manner of Italy and Germany, and that maintained the Kingdom intire.

1314.

Louis X. called Hutin, Mutinous and Quarrelſome, twenty-four Years of Age.

1316.

Philip V. the Long, twenty three years of Age.

1322.

Charles IV. the Fair; twenty-ſix Years old. Bourbon erected into a Dukedom.

1328.

Philip VI. of Valois. Inſtitution of the Gabelle or Salt Tax in this Reign. Pope John XXII. died in 1344, aged ninety. He added the third Crown to the Pontifical Tiara. Pope Hormiſdas uſed the firſt, and Boniface VIII. added a ſecond.

1350.

John, aged thirty Years. His ſon Charles is the firſt who bore the title of Dauphin, and was made Duke of Normandy. So great were the variations of Coin in this reign, that from one day to another they ſcarce knew what Payment they were to make.

1364.

Charles V. of Navarre, called the Bad. He granted the privilege of Nobleſſe to the Citizens of Paris, which was confirmed by Charles VI. Louis XI. Francis I. and Henry II. but Henry III. reſtrained it, in 1557, to the Provoſt of the Merchants and the Sheriffs; it was ſuppreſſed in 1667; reſtored in 1707; ſuppreſſed again in 1715; and at length reſtored, in 1716, upon the preſent footing. 1374. An Ordinance to make the Kings of Age at fourteen: under the firſt and ſecond

Race the Kings were not of age till twenty-two years old.

1380.

Charles VI. twelve Years and nine Months. The Arms of France are reduced to three Flower de Luces. The Order of the Girdle of Hope founded, 1389; and in 1420, by the Treaty of Troyes, it was ſtipulated, that Catherine of France ſhould be eſpouſed to Henry V. of England; upon demiſe of Charles VI. the Crown ſhould devolve to Henry V. of England. From that Treaty to the death of Charles, the Chancellor de Clerk uſed to conclude Letters iſſuing from the Court of Chancery, "By the King, and by the Authority of the King of England, Heir and Regent in France."

1422.

Charles VII. twenty Years of Age.

1431.

Henry VI. of England, is crowned King of France in the Church of Notre Dame, at Paris, 17th December. 1453. The taking of Conſtantinople, by Mahomet II. puts an end to the Eaſtern Empire, which had laſted 1183 Years.

Louis

1461.

Louis XI. thirty-nine Years of Age. 1479. The beginning of the Government of the Czars of Muſcovy.

1483.

Charles VIII. aged thirteen Years and two Months.

1498.

Louis XII. called the Father of his People, aged thirty-ſix Years. 1515. He Married the Princeſs Mary of England. His Health was then upon the decline; but he forgot his Age to pleaſe his Wife. The good King, for the ſake of his Wife, had intirely altered his manner of living; for before he uſed to Dine at eight o'Clock, and now he was obliged to Dine at Noon: He uſed likewiſe to go to Bed at ſix, and now he frequently ſat up till midnight.

1515.

Francis I. called the Patron of Learning, Crowned the firſt of January, aged twenty-one Years. Ignatius Loyola, a Spaniſh Gentleman, was wounded in 1521, at the Seige of the Caſtle of Pampelona: He was afterwards the Founder of the Society of

Jeſuits. 1529. This Year died Nich. Machiavel. And in 1536 Eraſmus died.

1547.

Henry II. aged twenty-nine Years. 1553. Francis Rabelais died. 1558. This year Calais was wreſted from the Engliſh by the Duke of Guiſe. At the Peace of Chateau Cambrenſis, 1559, the French were to have poſſeſſion of it for eight Years only, if, during that term, Queen Elizabeth entered into no engagement contrary to the Intereſt of France or Scotland. But as ſhe broke thro' this Condition, by aſſiſting the Admiral and the Proteſtants in Scotland, Calais remained in the hands of the French.

1559.

Francis II. at ſixteen Years of Age.

1560.

Charles IX. at ten Years of Age. 1562. The Edict of January; being the firſt that granted Public Exerciſe of the Proteſtant Religion. The Parliament refuſed to regiſter it: *His Verbis, Non Poſſumus nec debemus.* The firſt Civil War was occaſioned by the Maſſacre at Vaſſy: Frederic, Duke

Duke of Guiſe, is wounded there. The Battle of Dreux, in which the Hugonots are defeated. 1563. Charles is declared of Age by the Parliament of Rouen, at Thirteen and a half Years of Age. Edict of Pacification favourable to the Proteſtants. 1564. Catherine de Medicis begins the Buildings of the Tuilleries. 1567. The ſecond Civil War. The Battle of St. Dennis, on the 10th, of November; in which the Conſtable, Anne de Montmerenci, was mortally wounded: He was ſeventy-four Years old; yet fought ſo manfully that he received eight wounds, and beat out three of the Teeth of James Stewart, a Scotsman, with the Pommel of his Sword. 1568. The ſecond Peace was ſigned at Long Jumeau, called the Short Peace: It laſted but ſix Months. The third Civil War was owing to the Queen's deſign to ſeize the Prince of Conde and the Admiral. The German Proteſtant Princes join the Hugonots. 1569. The Battle of Jarnac, in which the Catholics were Victorious alſo. The Prince of Conde is killed in cool blood by Montesquieu. On the third of October, the Hugonots were again defeated at Moncontour.

The

1570. The third Peace. 1572. The Maſſacre of the Hugonots at Paris, and divers other parts of the Kingdom, on St. Bartholomew's Day. 1573. The fourth Peace.

1574.

Henry III. aged twenty-three Years. The Prince of Conde and Marſhal D'Anville are at the head of the Proteſtants. 1575. Henry Duke of Guiſe is wounded in the Face with a piſtol ſhot at the Battle of Chateau Thierry, and from thence called Balafre. Beſme, the murderer of Admiral Coligny, is killed by the Hugonots. 1576. The King of Navarre eſcapes from the Court and joins the Hugonots. A Peace is concluded advantageous to the Hugonots; in which they are allowed the exerciſe of the pretended Reformed Religion, as it was called in the Edict. Bipartite Chambers are granted to the Reformed, in the eight Parliaments of the Kingdom. The Catholics exaſperated at this, occaſioned the famous Confederacy, called the Holy League. The Edict is revoked, and the King joins with the Duke of Anjou and the League. 1577. Another Peace concluded. 1578. The Bridge called Pont-Neuf is begun to be Built.

Built. 1579. The King of Navarre has again recourſe to Arms. 1580. Peace is brought about by the Duke of Anjou. 1582. an Edict to receive the Gregorian Calendar. 1584. On the Death of the Duke of Anjou, the Duke of Guiſe is at the head of the League. Henry ſends a Deputation to the King of Navarre, now next Heir to the Crown, to change his Religion, that they might act together in Defence of the State. 1585. A Treaty of Peace at Nemours deprives the Proteſtants of their Privileges: they have recourſe to Arms. 1587. The Battle of Courtras in Guienne, in which the King of Navarre gains a Compleat Victory. The Duke de Joyeuſe is killed. 1588. The Duke and Cardinal de Guiſe murdered by order of the King. Catherine de Medicis dies at Blois: adviſes Henry her Son to be reconciled to the King of Navarre. 1589. Henry III. is Aſſaſſinated on the firſt of Auguſt, by Jaques Clement, a Dominican Friar. He declares the King of Navarre his Succeſſor.

1589.

Henry IV. called the Great, aged thirty-ſix Years. 1590. The Battle of Ivry,

Ivry, where Henry gains another Victory over the Duke of Mayenne. Death of Pope Sextus Quintus. 1592. Death of Michael de Montagne. 1593. The King makes his Abjuration, and notifies it to all the Parliaments. 1594. The King's Abjuration gives the finiſhing ſtroke to the League. Jean Chatel attempts to aſſaſſinate the King, but wounds him in the lip only. 1595. He declares War againſt Spain. The Skirmiſh of Fontaine Francoiſe, in which the King, with a ſmall body of Horſe, purſues 18,000 Men. Is in great Danger. The Pope grants him Abſolution. 1597. The Spaniards ſurpriſe the City of Amiens. "Let us go," ſaid Henry, "we have acted the King of France long enough. It is now time to act the King of Navarre." Upon which he beſieged and took the Town in Spite of the Arch-duke Albert. 1598. The Edict of Nantes in favour of the Proteſtants. 1600. Henry marries Mary of Medicis at Lyons. 1603. The Princes of Courtenay produce their Title Deeds, in order to be acknowledged of the Blood Royal, but are diſappointed. 1609. A Truce of twelve Years between the Spaniards and the United Provinces; by which the Sovereignty of the Dutch Republic is acknowledged.

1610. The

1610. The King is Aſſaſſinated in his Coach, in which were ſeven others.

1610.

Louis XIII. called the Juſt; born in 1601. 1615. Mary of Medicis begins the Palace of Luxemburg: James de Broſſe, Architect. 1617. The Death of Marſhal D'Anere; which puts an End to the Civil War. 1620. This is the Era of the Diſturbances raiſed by the Hugonots only, without Aſſiſtance from the Catholics. They wanted to new model the Government into a Republic. They had already divided it into eight Circles; the Government of which was to be ſettled on the Lords of their Party: Rohan and Soubize were their Leaders. This Flame was not totally ſubdued 'till 1629; a Year after the Taking of Rochelle. 1624. Richlieu is made a Cardinal. 1627. The poſts of Admiral and Conſtable ſuppreſſed. 1632. Guſtavus Adolphus, King of Sweden, Killed at the Battle of Lutſen. 1641. Mazarine made a Cardinal. 1642. Richlieu dies; and Mazarine is made a Member of the Privy Council the ſame day.

1643.

Louis XIV. aged five Years. The Battle of Rocroy, five Days after the Death of Louis XIII. The Spaniſh Infantry never Recovered itſelf ſince that Defeat. The French were Commanded by the Prince of Conde. 1644. The Title of High and Mighty Lords granted by the King to the States General, in a Treaty at the Hague. 1648. Treaty between Spain and Holland; in which, the former renounces all Right to the United Provinces, and acknowledges them an Independant State. 1651. The King declares his Majority, 7th Sept. 1653. This Year the Intendants of Provinces began to exerciſe their Authority in the Adminiſtration of Juſtice—the Police and the Revenue: hitherto it had been confined to the Revenue only. 1655. The Tomb of Childeric diſcovered at Tournay. 1661. Cardinal Mazarine dies, aged fifty-nine. 1669. The King revives the Poſt of Admiral in favour of the Duke de Vermandois, his natural Son. 1670. The King's Edict enjoining that the profeſſion of a Merchant ſhould not derogate from the honour of the Nobility. 1675. The great Campaign between Turenne and Montecuculli. 1679. Death of

of Cardinal de Retz. 1680. Firſt Settlement of the French in the Eaſt Indies, by confirming the acquiſition of Pondicherry in 1674. 1680. Lewis is ſtiled Louis the Great. 1685. Revocation of the Edict of Nantes. 1693. Inſtitution of the Order of St. Louis. 1700. Death of Charles the ſecond, King of Spain. Philip the Vth Grandſon of Louis the XIV. is proclaimed King at Madrid. 1701. In this year was formed the Grand Alliance againſt France. The View, in the beginning, was to diſmember as much as they could of the Spaniſh ſucceſſion; but in the Proſecution of the War, their Succeſſes made them carry their Pretenſions ſo high, as to inſiſt upon the dethroning Philip V. War breaks out in Italy, where Prince Eugene, General for the Emperor, is ſucceſsful againſt De Catinat and Villeroy, and the Duke of Savoy. The League is concluded by the Emperor, King William, and the Dutch. Death of the Duke of Orleans, the King's only Brother, aged ſixty-one. Death of James II. King of England, Aged ſixty-eight. Death of the Duke of Gloceſter; upon which the Princeſs Sophia, Dutcheſs Dowager of Han-

over, is declared to ſucceed to the Crown of England after the Death of King William and the Princeſs Anne of Denmark. 1702. Death of King William, aged fifty-two. The Emperor, Engliſh and Dutch, declare War againſt France. 1704. The Archduke Charles, aſſumes the Title of King of Spain. Lands at Liſbon, aſſiſted by 8,000 Dutch and Engliſh Troops, commanded by the Duke of Schomberg. The Duke of Berwick commands the Troops ſent by France to the Aſſiſtance of King Philip. Prince of Heſſe Darmſtadt, after an attempt to ſupprize Barcelona, takes Gibraltar. Battle of Hochſted, in which the Duke of Marlbro' gains a complete Victory over the French and Bavarians, commanded by the Elector, Tallard, and De Marſin. The Marſhal de Tallard loſt his Son, and is wounded himſelf, and made Priſoner. Twenty-ſeven Battalions and four Regiments of Dragoons ſurrender themſelves without making the leaſt Defence. 1705. Seige of Gibraltar raiſed, which had been attacked by the Spaniards. 1706. The Archduke is proclaimed King at Madrid, 7th June, by Lord Galway. The Battle of Ramillies, the 23d of May; the Elector of Bavaria and the Marſhal de Villeroy command

mand the French, and the Duke of Marlborough the Allies, who gained a complete Victory. De Villeroy is recalled, and ſucceeded by Monſ. de Vendome, to whom the Duke of Orleans ſucceeds in Italy. Turin inveſted by Monſ. de la Feuillade. Prince Eugene raiſes the Seige the ſeventh of December: the Duke of Orleans is wounded, and De Marſin, loſes his Life. Union of England and Scotland. 1707. Battle of Almanza, in which the Engliſh and Portugueſe are worſted, under the Command of Ruvigny, Earl of Galway, (who had quitted France, on the Revocation of the Edict of Nantes,) and the Marquis de las Minas. The Army of France was commanded by the Duke of Berwick, natural Son of King James II. 1708. Battle of Oudenarde. Seige of Liſle; the Trenches were opened the 22d of Auguſt, it ſurrendered 23d of October, and the Citadel the 8th of December. General Webb being diſpatched by the Duke of Marlbro' with 6000 Men to guard a Convoy, is attacked by De la Motte with 20000 Men: he defeated De la Motte, and arrives ſafe with the Convoy. The Engliſh ſeize the Iſlands of Sardinia and Minorca. 1709 Battle of Malplaquet, in Favor of the Engliſh and Allies.

lies. Battle of Pultowa, in which the King of Sweden was totally defeated by the Ruſſians. 1710. Death of the Dauphin, aged fifty Years. The Archduke is made Emperor upon the death of the Emperor Joſeph. Preliminaries for a Peace ſigned at London, in October: Chief Articles, that Louis ſhould acknowledge the Queen of Great Britain, and the Succeſſion to the Crown in favour of the Houſe of Hanover; that juſt and reaſonable Meaſures ſhould be taken to prevent the Crowns of France and Spain from being United under the ſame Prince; that the Dutch ſhould have a Barrier againſt France; that the Empire and Auſtria ſhould alſo have a ſure and proper Barrier; and, that the Fortifications of Dunkirk ſhould be demoliſhed upon the Concluſion of the Peace. 1712. Opening of the Congreſs of Utrecht. Suſpenſion of Arms, agreed to by France, Spain, and England, is prolonged. The King of Spain renounces the Crown of France, for himſelf and his Deſcendants. 1713. Peace ſigned at Utrecht. Gibraltar and Minorca Ceded for ever to Great-Britain. 1715. On the firſt of September, died Loúis XIV.

KINGS

KINGS OF FRANCE *since the Year* 1000.

1000. Robert.
1031. Henry.
60. Philip.
1108. Louis 6.
37. Louis 7.
80. Philip 2.
1223. Louis 8.
26. Louis 9.
70. Philip 3.
85. Philip 4.
1314. Louis 10.
1316. Philip 5.
22. Charles 4.
28. Philip 6.
50. John.
64. Charles 5.
80. Charles 6.
1422. Charles 7.
31. Henry.
61. Louis 11.
83. Charles 8.
98. Louis 12.
1515. Francis.
47. Henry 2.
59. Francis 2.
60. Charles 9.
74. Henry 3.
89. Henry 4.
1610. Louis 13.
43. Louis 14.
1715. Louis 15.
1774. Louis 16.

1574	Louis 19.				
87.	Philip 4.				
1610	Philip 4.				
65.	Louis 14.				
1715	Louis 15.				
74.	Louis 16.				
1793	Republic.				

987.	Louis 5.				
996.	Charles 8.				
1031.	Louis 11.				
83.	Charles 8.				
1498.	Louis 12.				
1515.	Francis 1.				
47.	Henry 2.				
1559.	Francis 2.				
60.	Charles 9.				
74.	Henry 3.				
89.	Henry 4.				
1610.	Louis 13.				

1314.	Louis 10.				
16.	Philip 5.				
22.	Charles 4.				
1328.	Philip 6.				
50.	John.				
64.	Charles 5.				
80.	Charles 6.				
1422.	Charles 7.				
61.	Louis 11.				
83.	Charles 8.				
1498.	Louis 12.				
1515.	Francis 1.				
47.	Henry 2.				
1559.	Francis 2.				
60.	Charles 9.				
74.	Henry 3.				
89.	Henry 4.				
1610.	Louis 13.				

ABSTRACT

OF THE

FIRST VOLUME

OF

BLACKSTONE's COMMENTARIES

ON THE

LAWS OF ENGLAND.

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ADVERTISEMENT.

THE Study of the Law has a ſound ſo terrific to ſuch as have no views to make it a profeſſion, that it has deterred many, even from peeping into it. Sir William Blackſtone has, however, done his part ſo clearly, and in a ſtyle as familiar as was poſſible, ſo that no man can be diſguſted.

The firſt Volume is, in its various parts, ſo frequently the Subject of common Converſation, that it is almoſt a reproach not to be acquainted with it. The Author made the following Abſtract many years ago, and from its uſe to himſelf, he ventures to offer it to Public Notice.

ABSTRACT

OF THE

FIRST VOLUME

OF

BLACKSTONE's COMMENTARIES

ON THE LAWS OF ENGLAND.

THE municipal law of England, or the rule of civil conduct prescribed to the inhabitants of this kingdom may be divided into two kinds; the *lex non scripta*, the unwritten or common law; and *lex scripta*, the written or statute law.

The *lex non scripta*, includes not only *general customs*, or the common law, so called; but also the *particular customs* of certain parts of the kingdom; and likewise those *particular laws* that are by custom observed only in certain courts and jurisdictions.

I. As to general customs, or the common law, properly so called; this is that law, by which proceedings and determinations in the

the king's ordinary court of juſtice are guided and directed. This, for the moſt part, ſettles the courſe in which lands deſcend by inheritance; the manner and forms of acquiring and transferring property; the ſolemnities and obligations of contracts: the rules of expounding wills, deeds, and acts of parliament; the reſpective remedies of civil injuries; the ſeveral ſpecies of temporal offences, with the manner and degree of puniſhment; and an infinity of minuter particles, which diffuſe themſelves as extenſively as the ordinary diſtribution of common juſtice requires. Thus, for example, that there ſhall be four ſuperior courts of record, the chancery, the king's bench, the common pleas, and the exchequer;—that the eldeſt ſon alone is heir to his anceſtor;—that property may be acquired and transferred by writing;—that a deed is of no validity unleſs ſealed;—that wills ſhall be conſtrued more favourable and deeds more ſtrictly;—that money lent upon bond is recoverable by action of debt;—that breaking the public peace is an offence, and puniſhable by fine and impriſonment;—all theſe are doctrines that are not ſet down or written in any ſtatute or ordinance,

ordinance, but depend upon immemorial uſage, that is, upon common law, for their ſupport.

The judges, in the ſeveral courts of juſtice, are the depoſitaries of the laws; the living oracles, who muſt decide in all caſes of doubt, and who are bound by an oath to decide according to the law of the land. But as the judgments themſelves, and all proceedings previous thereto, are carefully regiſtered and preſerved, under the name of *records*, in reference to them it is an eſtabliſhed rule to abide by former precedents, where the ſame points come again in litigation.

II. The ſecond branch of the unwritten laws of England, are particular cuſtoms, or laws which affect only the inhabitants of particular diſtricts.

To make a particular cuſtom good, the following are neceſſary requiſites.

1. That it have been uſed ſo long, that the memory of man runneth not to the contrary. So that if any one can ſhew the beginning of it, it is no good cuſtom. For which reaſon no cuſtom can prevail againſt an expreſs

preſs act of parliament; ſince the ſtatute itſelf is a proof of a time when ſuch a cuſtom did not exiſt.

2. It muſt have *continued*. Any interruption would cauſe a temporary ceaſing the revival gives it a new beginning, which will be within time of memory, and thereupon the cuſtom will be void. But this muſt be underſtood with regard to an interruption of the *right*, for an interruption of the poſſion only for ten or twenty years will not deſtroy the cuſtom. As if I have a right of way by cuſtom over another's field, the cuſtom is not deſtroyed, though I do not paſs over it for ten years; it only becomes more difficult to prove: but if the *right* be any how diſcontinued for a day, the cuſtom is quite at an end.

3. It muſt have been *peaceable* and acquieſced in. For as cuſtoms owe their original to common conſent, their being immemorially diſputed, either at law or otherwiſe, is a proof that ſuch conſent was wanting.

4. Cuſtoms muſt be *reaſonable*; or rather, taken negatively, they muſt not be unreaſonable. Upon which account a cuſtom may be

be good, though the particular reaſon cannot be aſſigned; for it ſufficeth, if no legal reaſon can be found againſt it. Thus a cuſtom in a pariſh, that no man ſhall put his beaſts into the common till the 3d of October, would be good; and yet it would be hard to ſhew the reaſon why this day in particular is fixed upon, rather than the day before or after. But a cuſtom that no cattle ſhall be put in till the lord of the manor has firſt put in his, is unreaſonable, and therefore bad: for peradventure the lord will never put in his; and then the tenants will loſe all their profits.

5. Cuſtoms ought to be *certain*. A cuſtom, that lands ſhall deſcend to the moſt worthy of the owner's blood, is void; for how ſhall this worth be determined? But a cuſtom to deſcend to the next male of the blood, excluſive of females, is certain, and therefore good. A cuſtom, to pay two-pence per acre in lieu of tythe is good; but to pay ſometimes two-pence, and ſometimes three-pence, as the occupier of the land pleaſes, is not good for its uncertainty. Yet a cuſtom, to pay a year's improved value for a fine on a copyhold eſtate, is good: though the value is

a thing uncertain. For the value may at any time be aſcertained; and the maxim of the law is, *Id certum eſt, quod certum reddi poteſt.*

6. Cuſtoms, though eſtabliſhed by conſent, muſt be (when eſtabliſhed) *compulſory*; and not left to the option of every man, whether he will uſe them or not. Therefore a cuſtom, that all the inhabitants ſhall be rated towards the maintenance of a bridge ſhall be good; but a cuſtom, that every man ſhall contribute thereto at his own pleaſure, is idle and abſurd, and, indeed, no cuſtom at all.

7. Laſtly, cuſtoms muſt be *conſiſtent* with each other: one cuſtom cannot be ſet up in oppoſition to another. For if both are really cuſtoms, then both are of equal antiquity and both eſtabliſhed by mutual conſent; which to ſay of contradictory cuſtoms is abſurd.

III. The third branch of them are thoſe particular laws, which by cuſtom are adopted and uſed only in certain peculiar courts, and jurisdictions. And by theſe are underſtood the civil and canon laws. Theſe are termed *leges non ſcriptae*: they do not bind the

the people of England, though we have laws with that title which do; but becauſe they are the materials of foreign juriſdiction, which cannot bind a Britiſh ſubject.

There are four ſpecies of courts in which the civil and canon laws are permitted under different reſtrictions to be uſed.

1. The courts of the arch-biſhops and biſhops and their derivative officers, uſually called in our law courts chriſtian, *curiae chriſtianitatis*, or the eccleſiaſtical courts. 2. The military courts. 3. The courts of admiralty. 4. The courts of the two univerſities.

I. The courts of common law have the ſuperintendency over theſe courts; to keep them within their juriſdictions, to determine wherein they exceed them, to reſtrain and prohibit ſuch exceſs, and (in caſe of contumacy) to puniſh the officer who executes, and in ſome caſes the judge who enforces, the ſentence ſo declared to be illegal.

II. The common law has reſerved to it-

ſelf the expoſition of all ſuch acts of parliament, as concern either the extent of theſe courts, or the matters depending before them.

III. An appeal lies from all theſe courts to the king, in the laſt reſort; which proves that the jurisdiction exerciſed in them is derived from the crown of England, and not from any foreign potentate, or intrinſic authority of their own.

The civil and canon laws, though admitted in ſome caſes by ſome courts, are only ſubordinate laws, *leges ſub graviori lege*; and are but inferior branches of the cuſtomary or unwritten laws of England, properly called, the king's eccleſiaſtical, the king's military, king's maritime, or the king's academical, laws.

Let us next proceed to the *leges ſcriptae*, the written laws of the kingdom, which are ſtatutes, acts, or edicts, made by the king's majeſty by and with the advice and conſent of parliament. The oldeſt of theſe now extant, is the famous Magna Charta as confirmed in parliament*. Statutes are either *general* or *ſpecial*, *public* or *private*.

* 9 Hen. III.

OF THE

COUNTRIES

SUBJECT TO THE

LAWS OF ENGLAND.

THE kingdom of England, over which our municipal laws have jurisdiction, includes not, by the common law, either Wales, Scotland, or Ireland, or any other part of the king's territories. And yet the civil laws and local cuſtoms of this territory do obtain, in part or in all, with more or leſs reſtrictions, in theſe and many other adjacent countries. Wales firſt by a ſtatute 27 Hen. VIII, and by the ſtatute 34 and 35 of the ſame, chap. 26, is divided into ſhires, &c. and is made to differ very little from England,

England, and that only in the nature of privileges, and immaterial peculiarities, ſuch as are to be found in many counties in England.

Scotland has its own municipal laws, they have been in a few inſtances altered by parliament, but ſo little, that they may be ſaid to have their full force; and the common law of England is, generally ſpeaking, of no force or validity in Scotland.

The town of Berwick, though ſubject to the crown ever ſince the conqueſt of it in the reign of Edw. IV, is not part of this kingdom, nor ſubject to the common law. By ſtatute*, where England only is mentioned in the act, the ſame ſhall notwithſtanding be deemed to comprehend the dominion of Wales and town of Berwick upon Tweed. The general law uſed there is the Scots law, and the ordinary proceſs of the courts of Weſtminſter-hall is there of no authority.

Ireland is ſtill a diſtinct kingdom, though a dependent ſubordinate kingdom; therefore it muſt neceſſarily conform to, and be obliged

* 20 Geo. II. chap. 42.

by

by ſuch laws as the ſuperior ſtate thinks proper to preſcribe *.

Our American plantations may be looked at in the ſame light; though diſtinct, they are dependent dominions, and though the common law has no authority there, yet they are ſubject to control of parliament: but (like Scotland, and Iſle of Man) not bound, unleſs particularly named. It is particularly declared by ſtatute†, that all laws, by-laws, uſages, and cuſtoms, which ſhall be in practice in any of the plantations, repugnant to any law, made or to be made in this kingdom relative to the ſaid plantations, ſhall be utterly void and of none effect. The Iſlands of Man, Jerſey, Guernſey, Sark, and Alderney, are governed by their own laws. The king's writ is of no effect; but his commiſſion is.

Three counties, Cheſter, Durham, and Lancaſter, are called counties palatine. The two former by preſcription, or immemorial cuſtom; the latter was created by Edward III, in favour of Henry Plantagenet,

* 6 Geo. I. chap. 5.

† 7 & 8 Will. III. chap. 22.

firſt

firſt earl and then duke of Lancaſter. Counties palatine are ſo called *a palatio*; becauſe the owners thereof, had there *jura regalia*, as fully as the king hath in his palace; *regalem poteſtatem in omnibus*. They might pardon treaſons, murders and felonies; they appointed all judges and juſtices of the peace; all writs and indictments ran in their name, and all offences are ſaid to be done againſt their peace, and not, as in other places, *contra pacem domini regis*. Theſe palatine privileges were in all probability originally granted to the counties of Cheſter and Durham, becauſe they bordered upon enemies countries, Wales and Scotland; in order that the owners, being encouraged by ſo large an authority, might be the more watchful in it's defence; and that the inhabitants, having juſtice adminiſtered at home, might not be obliged to go out of the county, and leave it open to the enemies incurſion. There were formerly two others, Pembrokeſhire and Hexham, the latter ſince united to Northumberland: but theſe were aboliſhed by parliament*, and the powers before mentioned of the others were abridged, though ſtill all writs are witneſsed in their name, and all

* 27 Hen. VIII. 14 Eliz.

forfeitures

forfeitures for treaſon by the common law accrue to them. The county of Durham is the only one now remaining in the hands of a ſubject.

Cheſter was united to the crown by Henry III, and gives title of earl to the king's eldeſt ſon. Lancaſter was veſted in Henry VII, and his heirs.

The iſle of Ely is not a county palatine, though erroneouſly ſo called; but only a royal franchiſe; the biſhop having, by grant of king Henry I. *jura regalia*, within the iſle of Ely, and thereby he exerciſes jurisdiction over all cauſes, as well criminal, as civil.

There are alſo counties *corporate*; where the officers of the county have no power to intermeddle: ſuch as London, York, &c. Theſe have been granted by the ſpecial favour and grace of the kings of England.

OF THE

RIGHTS

OF

PERSONS.

Of the abſolute Rights of Individuals.

THE rights defined by the ſeveral ſtatutes, conſiſt in a number of private immunities; which will appear indeed to be no other, than the *reſiduum* of natural liberty, which is not required by the laws of ſociety to be ſacrificed to public convenience; or elſe thoſe civil privileges, which ſociety has engaged to provide, in lieu of thoſe natural liberties given up by individuals. Theſe therefore were formerly, either by inheritance or

or purchaſe, the rights of all mankind; but, in moſt countries in the world being now more or leſs debaſed and deſtroyed, they at preſent may be ſaid to remain, in a peculiar and emphatical manner, the rights of the people of England. And theſe are reducible to three principal or primary articles.

The right of perſonal ſecurity. The right of perſonal liberty. The right of private property.

1. The right of perſonal ſecurity conſiſts, in a perſon's legal and uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation.

2. Next to perſonal ſecurity, the law of England aſſerts and preſerves the perſonal liberty of individuals. This conſiſts in the power of loco-motion, of changing ſituation, or removing one's perſon to whatſoever place one's own inclination may direct; without impriſonment or reſtraint, unleſs by due courſe of law. If reſtrained by any decree, he may have a writ of *Habeas Corpus*, to bring his body before the court of king's bench or common pleas.

The parliament, whenever it ſees occaſion, can authorize the crown, by ſuſpending the *Habeas Corpus* act for a ſhort and limited time, to impriſon ſuſpected perſons without giving any reaſon for ſo doing.

The king may iſſue out his *ne exeat regnum*, to prohibit any of his ſubjects from going into foreign parts. This may be neceſſary for the public ſervice. But no power on earth, except the authority of a parliament, can ſend any ſubject *out of* the land againſt his will; no not even a criminal. For exile, or tranſportation, is a puniſhment unknown to the common law; and, wherever it is now inflicted, it is either by the choice of the criminal himſelf, to eſcape a capital puniſhment, or elſe by the expreſs direction of ſome modern act of parliament. By the *Habeas Corpus* act*, no ſubject of this realm, who is an inhabitant of England and Wales, or Berwick, ſhall be ſent priſoner into Scotland, Ireland, Jerſey, Guernſey, or places beyond the ſeas; under very high fines and penalties.

And though the king may command the

* 31 Cha. II. chap. 2.

attendance

attendance of all his liege-men *within* the realm, yet he cannot ſend any man *out of* the kingdom, even on the public ſervice : he cannot even conſtitute a man lord deputy or lieutenant of Ireland, nor make him a foreign embaſſador againſt his will.

III. The third abſolute right, inherent in an Engliſhman, is that of property: which conſiſts in the free uſe, enjoyment, and diſpoſal of all his acquiſitions, without any control or dimunition, ſave only by the laws of the land.

The barriers which ſerve to protect and maintain inviolate theſe three great and primary rights, are,

1. The conſtitution, powers, and privileges of parliament.

2. The limitation of the king's prerogative, by bounds ſo certain and notorious, that it is impoſſible he ſhould exceed them without the conſent of the people.

3. A third ſubordinate right of every Engliſhman is that of applying to the courts of juſtice for redreſs of injuries. The emphatical words of Magna Carta, ſpoken in the perſon

perſon of the king, who in the judgment of law, (ſays Sir Edward Coke) is ever preſent and repeating them in all his courts, are, "*nulli vendemus, nulli negabimus, aut differemus* "*rectum vel juſtitiam:* and every ſubject there-"fore" continues the ſame learned author, "for "injury done him *in bonis, in terris, vel perſo-* "*na*, by any other ſubject, be he eccleſiaſtical "or temporal without any exception, may "take his remedy by the courſe of the law, "and have juſtice and right for the injury "done to him, freely without ſale, fully "without any denial, and ſpeedily without "delay."

4. If the ordinary courſe of law is too defective to reach any uncommon injury or infringements of the rights before mentioned, there is a power of every individual of petitioning the king, or either houſe of parliament, for the redreſs of grievances. No petition can be ſigned by more than twenty perſons, unleſs approved of by three juſtices of the peace or the major part of the grand jury, of the county; and in London by the lord mayor, aldermen, and common council; nor ſhall any petition be preſented by more than ten perſons at a time*.

The

* 1 W. & M. ſtat. 2. chap. 2.

5. The fifth and laſt auxiliary right of the ſubject is, that of having arms for their defence, ſuitable to their condition and degree, and ſuch as are allowed by law. Which is alſo allowed by the laſt mentioned ſtatute; and is indeed a public allowance, under due reſtrictions, of the natural right of reſiſtance and ſelf-preſervation, when the ſanction of ſociety and laws are found inſufficient, to reſtrain the violence of oppreſſion. ESTO PERPETUA!

OF

OF THE

PARLIAMENT.

I. AS to the manner and time of aſſembling. The parliament is regularly to be ſummoned by the king's writ or letter, iſſued out of chancery by the advice of the privy council, at leaſt forty days before it begins to ſit. On the demiſe of a king or queen, if there be then no parliament in being, the laſt parliament revives, and is to ſit again for ſix months, unleſs diſſolved by the ſucceſſor. A new parliament ſhall be called within three years after the determination of the former.†

II. The conſtituent parts of a parliament

† 6 W & M. chap. 2.

are

are the king's majeſty, ſitting there in his royal political capacity, and the three eſtates of the realm; the lords ſpiritual, the lords temporal, (who ſit, together with the king, in one houſe) and the commons, who ſit by themſelves in another. And theſe form the great corporation or body politic of the kingdom, of which the king is ſaid to be *caput, principium, et finis.* For upon their coming together the king meets them, either in perſon or by repreſentation; without which there can be no beginning of a parliament; and he alſo has alone the power of diſſolving them.

Of the houſe of peers, there are ſome who ſit by deſcent, as all antient peers; ſome by creation, as do all new-made peers; and ſome by election, which is the caſe of the ſixteen, who repreſent the body of the Scots nobility.

The number of the houſe of commons is 513, and of the Scots 45; in all 558. And every member, though choſe by one particular diſtrict, when elected ſerves for the whole realm. For the end of his coming there is not particular, but general; not barely to advantage his conſtituents, but the *common*-wealth: to adviſe his majeſty (as

appears by the writ of ſummons) *de communi conſilio ſuper negotiis, quibuſdam arduis et urgentibus, regem, ſtatum et defenſionem regni Angliae et eccleſiae Anglicanae concernentibus.* And therefore he is not bound, like a deputy in the united provinces, to conſult with, or take advice of his conſtituents upon any particular point, unleſs he himſelf thinks it proper ſo to do.

III. The parliament is the place where that deſpotic power which muſt in all governments reſide ſomewhere, is entruſted by the conſtitution of this kingdom. It has ſovereign and uncontrolable power over all laws and over all matters, under whatever denomination, eccleſiaſtical, or temporal, civil, military, maritime or criminal. All miſchiefs and grievances, that tranſcend the ordinary courſe of law, are within the reach of this tribunal. It can regulate or new model the ſucceſſion to the crown; as was done in the reign of Henry VIII. and William III. It can alter the eſtabliſhed religion of the land; as was done in many inſtances, in the reigns of Henry VIII. and his three children. It can change and create afreſh even the conſtitution of the kingdom and of parliaments

ments themſelves; as was done by the act of union, and the ſeveral ſtatutes for triennial and ſeptennial parliaments. It can, in ſhort, do every thing that is not naturally impoſſible. The whole of the law and cuſtom of parliament has it's original from this one maxim; "that whatever matter ariſes concerning either houſe of parliament, ought "to be examined, diſcuſſed, and adjudged, "in that houſe to which it relates, and not "elſewhere."

The *privileges* of parliament are indefinite; ſome however of the moſt notorious, are, privilege of ſpeech, of perſons, of their domeſtics, and of their lands and goods. This includes as well illegal violence, as alſo legal arreſts, and ſeizures by proceſs from the courts of law. Theſe privileges however, endure no longer than the ſeſſion of parliament, ſave only as to the freedom of his perſon: which in a peer is for ever ſacred and inviolable; and in a commoner for forty days after every prorogation, and forty days before the next appointed meeting; but this holds not in ſuch crimes as

as treaſon, felony, or breach of the peace.*

* Houſe of Commons.

In the reign of Henry the third, Monfort earl of Leiceſter ſummoned a parliament in London, and beſides the barons of his own party, and ſeveral eccleſiaſtics, he ordered returns of two knights from every ſhire, and deputies from the boroughs.

	Returning places.	Members.
In the reign of Henry VII.	147	296.
Henry VIII. added —	32	38.
Edward VI. — — —	22	24.
Mary — — — —	12	22.
Elizabeth — — —	31	62.
James I. before — —	14	27.
By authority of parliaments before the union	—	44.
By the act of union — — —		45.
	258.	558.

The triennial act was from the 6th of William III. to 1716, George I.

OF

OF THE

KING, AND HIS TITLE.

I. WITH regard to his title. The grand fundamental maxim upon which the *jus coronae*, or right of ſucceſſion to the throne of theſe kingdoms, depends, is, that the crown is, by common law and conſtitutional euſtom, hereditary; and this in a manner peculiar to itſelf: but the right of inheritance may from time to time be changed or limited by act of parliament; under which limitations the crown ſhall continue hereditary.

II. Of his royal family. The firſt and moſt conſiderable branch of which, regarded by the laws of England, is the queen. The queen is a public perſon, exempt and diſtinct from the king; and not, like other married women, ſo cloſely connected as to have loſt all legal

or

or ſeperate exiſtence ſo long as the marriage continues. She can make leaſes, grant copyholds, &c. without her lord's concurrence. The reaſon given by Sir Edward Coke is, the common law ſuppoſes the king's continual care and ſtudy is for the public, and *circa arduа regni*, and therefore he may not be troubled or diſquieted on account of his wife's domeſtic concerns; and therefore it veſts in the queen a power of tranſacting her concerns without the intervention of the king, as if ſhe was an unmarried woman. It is equally treaſon to compaſs or imagine the queen's death, as of the king himſelf: and to defile, or violate the queen conſort, amounts to the ſame crime; as well in the perſon committing the fact, as in herſelf.* But it is not high treaſon to conſpire her death or defile her when queen dowager; for this reaſon, becauſe the ſucceſſion to the crown is not thereby endangered. Yet, *pro dignitate regali*, no man can marry a queen dowager without ſpecial licence from the king, on pain of forfeiture of his lands and goods; but if married ſhe does not loſe her regal dignity, as dowager peereſſes do their peerage when they marry commoners.

* 25 Edw. III.

The

The prince of Wales, or heir apparent to the crown, and alſo his royal conſort, and the princeſs royal, or eldeſt daughter of the king, are likewiſe peculiarly regarded by the laws; and to conſpire their death, or to violate them, is high treaſon, equally as if of the king or queen. In 1718, upon a queſtion referred to all the judges by king George I. it was reſolved by the opinion of ten againſt two, that the education and care of all the king's grandchildren while minors, and the care and approbation of their marriages, when grown up, did belong of right to his majeſty, as king of this realm, during their father's life.

III. Of his councils. The firſt of theſe is the high court of Parliament. Secondly, the peers of the realm are by their birth hereditary counſellors of the crown, and may be called together by the king to impart their advice in all matters of importance to the realm, in time of parliament, or not; and in the law books it is laid down, that peers are created for two reaſons; 1. *Ad conſulendum.* 2. *Ad defendendum regem*: wherefore they have their high privileges, becauſe the law intends, that they are always aſſiſting the king with their counſel for the good

good of the common-wealth; or keeping the king and realm in safety by their prowess and valour.

A third council belonging to the king, according to Sir Edward Coke, are, the judges of the courts of law, for law matters. but the principal council belonging to the king is his privy council, by way of eminence called The council. The king's will is the sole constituent of a privy counsellor.

OF THE

KING's PREROGATIVE.

I. THE law aſcribes to the king the attribute of *ſovereignty* or pre-eminence. *Rex et vicarius*, ſays Bracton, *et miniſter Dei in terra: omnis quidem ſub eo eſt, et ipſe ſub nullo, niſi tantum ſub Deo.* He is ſaid to have *imperial* dignity. His realm is declared an *empire* by ſeveral acts of parliament.* The meaning of the legiſlature, in the uſe of theſe words, is, that the king is equally ſovereign and independent within theſe his dominions, as any emperor is in his empire; and owes no kind of ſubjection to any other potentate upon earth.

As to private injuries; if any perſon has,

* 24 Hen. VIII. chap. 12. 25 Hen. VIII. chap. 28.

in point of property, a juſt demand upon the king, he muſt petition him in the court of chancery, where his chancellor will adminiſter right as matter of grace, though not upon compulſion. "And if a prince "ſhould permit a ſubject to bring an action "againſt him in one of his own courts, the "end of ſuch action is not to compel the "prince, but to perſuade him."* In caſes of ordinary public oppreſſion, where the vitals of the conſtitution are not attacked, the law has alſo aſſigned a remedy. For, as a king cannot uſe his power illegally, without the advice of evil counſellors, and the aſſiſtance of wicked miniſters, theſe men may be examined and puniſhed, by means of indictments, and parliamentary impeachments, that no man ſhall dare to aſſiſt the crown in contradiction to the laws of the land. But it is at the ſame time a maxim in thoſe laws, that the king himſelf can do no wrong; ſince it would be a great weakneſs and abſurdity in any ſyſtem of poſitive law, to define any poſſible wrong, without any poſſible redreſs: for, if the law could ſuppoſe this, it would veſt a ſuperior coercive authority in ſome other hand to correct it:

* Puffendorf.

it: for the ſuppoſition of the law is, that neither the king nor either houſe of parliament (collectively taken) is capable of doing any wrong; ſince in ſuch caſes the law feels itſelf incapable of furniſhing any adequate remedy.

II. Beſides the attribute of ſovereignty, the law alſo aſcribes to the king, in his political capacity, abſolute *perfection*. The king can do no wrong. Which is to be underſtood, firſt, that whatever is exceptionable in the conduct of public affairs is not to be imputed to the king, nor is he anſwerable for it perſonally to the people: for this doctrine would totally deſtroy that conſtitutional independence of the crown, which is neceſſary for the ballance of power, in our free, active, and therefore compounded, conſtitution. And, ſecondly, it means that the prerogative of the crown extends not to do any injury: It is created for the benefit of the people, and therefore cannot be exerted to their prejudice. The king is moreover, not only incapable of *doing* wrong, but even of *thinking* wrong: for the law will not caſt that imputation on that magiſtrate whom it entruſts wit

the executive power, as if he was capable of intentionally diſregarding his truſt: but attributes to mere impoſition thoſe little inadvertencies, which if charged on the will of the prince, might leſſen him in the eyes of his ſubjects.

III. Another attribute of the king's majeſty is his *perpetuity*. The king never dies. For immediately upon his deceaſe, his imperial dignity, without any *interregnum* or interval, is veſted at once in his heir; who is, *eo inſtanti*, king to all intents and purpoſes. And ſo tender is the law of ſuppoſing even a poſſibility of his death, that his natural diſſolution is called his *demiſe*; *dimiſſio regis, vel coronae:* an expreſſion that ſignifies merely a transfer of property. The king has the ſole power of ſending abroad and receiving embaſſadors from foreign countries; of making treaties, leagues, and alliances with foreign ſtates; for theſe could never be done by the people in a collective body. He has the power alſo of making war and peace for the ſame reaſon; but in the tranſactions above cited, if conducted to the detriment of, and are inglorious to the nation, miniſters

ſters might be brought to a very ſevere account. Theſe are the principal prerogatives of the king, reſpecting the nation's intercourſe with foreign nations; in all which he is conſidered as the delegate or repreſentative of the people. But in domeſtic affairs he is conſidered

I. As a conſtituent part of the ſupreme legiſlative power; and, as ſuch, has the prerogative of rejecting ſuch proviſions in parliament, as he judges improper to be paſſed.

II. As generaliſſimo, or the firſt in military command, within the kingdom; and this extends not only to all fleets and armies, but even to all forts, and other places of ſtrength: and no ſubject, according to Sir Edward Coke, can build a caſtle, or houſe of ſtrength imbattled, without the licence of the king.

III. He is as the fountain of juſtice and conſervator of the peace of the kingdom: and hence it is, that all juridictions of courts are either mediately or immediately derived from the crown, their proceedings run generally in the king's name, they paſs under

under his ſeal, and are executed by his officers. All offences are either againſt the king's peace, his crown, or dignity; and are ſo laid in every indictment. For, as the public, (an inviſible body,) has delegated all its power and rights, with regard to the execution of the laws, to one viſible magiſtrate, all affronts to that power, and breaches of thoſe rights, are immediatly offences againſt him, to whom they are ſo delegated by the public. He is therefore the proper perſon to proſecute. And hence ariſes another prerogative, the power of *pardoning*; for it is reaſonable that he who is injured ſhould have the power of forgiving. His majeſty, in the eye of the law, is always preſent in all his courts, though he cannot perſonally diſtribute juſtice. His judges are the mirror by which the king's image is reflected. It is the regal office, and not the royal perſon, that is always preſent in court, and always ready to undertake proſecutions, or pronounce judgment, for the benefit and protection of the ſubject.

IV. The king is likewiſe the fountain of honour, of office, and of privilege: and this in

a different ſenſe from that wherein he is ſtiled the fountain of juſtice; for here he is the parent of them. It is impoſſible that government can be ſupported without due ſubordination of rank; that the people may know and diſtinguiſh ſuch as are ſet over them, in order to yield them their due reſpect and obedience; and alſo that the officers themſelves, being encouraged by emulation and the hopes of ſuperiority, may the better diſcharge their functions: and the law ſuppoſes, that no one can be ſo good a judge of their ſeveral merits as the king himſelf, who employs them. It has therefore intruſted with him the ſole power of conferring dignities and honours, in confidence that he will beſtow them on none, but ſuch as deſerve them. And as he has the power of conferring honours, ſo he has of conferring offices, privileges to particular perſons, place or precedence to any of his ſubjects, and converting aliens into denizens; whereby ſome very particular privileges of natural-born ſubjects are conferred on them.

V. Another light in which the laws conſider the king in, is the arbiter of commerce, ſo far as relates to domeſtic concerns. The eſtabliſhment of public marts, markets

and

and fairs, is in him. The limitation of these public resorts, to such time and such place as may be most convenient for the neighbourhood, forms a part of oeconomics, or domestic polity; which, considering the kingdom as a large family, and the king as the master of it, he clearly has a right to dispose and order as he pleases. Secondly, the regulation of weights and measures. Thirdly, as money is the medium of commerce, it is the king's prerogative, as arbiter of domestic commerce, to make it current and give it authority. The coining of money is in all states the act of the king. The impression or stamping is his undoubted prerogative, as is the denomination of, and the current value of the coin; but his prerogative seemeth not to extend to the debasing or enhancing of the value of the coin, above or below the sterling value.* He may legitimate foreign coin, and make it current by declaring at what value it shall be taken in payments: at present we have no such legitimated money; Portugal coin being only current by private consent. The king may also at any time decry, or cry down, any coin of the kingdom, and make it no longer current.

* 25 Edw. III. chap. 13.

The

VI. The king is, laſtly, conſidered by the laws, as the head and ſupreme governor of the national church. In virtue of this authority the king convenes, prorogues, reſtrains, regulates, and diſſolves all eccleſiaſtical ſynods or convocations: and this was an inherent prerogative in the crown, long before Henry VIII.* and ſo in the opinion of many lawyers and hiſtorians, and ſo vouched by Sir Edward Coke. The houſes of convocation reſemble the houſes of lords and commons. This conſtitution is ſaid to be owing to the policy of Edward I. who, by theſe means, let in the inferior clergy to the privilege of forming eccleſiaſtical canons, (which before they had not) and alſo introduced a method of taxing eccleſiaſtical benefices, by conſent of convocation.

As head of the church, the king's right ariſes to the nomination to vacant biſhopricks, and certain other eccleſiaſtical preferments. As ſuch alſo, he is the *dernier reſort* in all eccleſiaſtical cauſes, an appeal lying ultimately to him in chancery from the ſentence of every eccleſiaſtical judge†.

* 8 Hen. VI. chap. 1.
† 25 Hen. VIII. chap. 9.

OF THE

KING's REVENUE.

I. THE king has the cuſtody of the temporalties of biſhops; by which are meant all the lay revenues, lands, (in which is included his barony) which belong to an archbiſhop or biſhop's ſee: and theſe upon a vacancy are immediately the right of the king, as a conſequence of his prerogative. Another reaſon why the policy of the law has veſted them in the king, is, becauſe as the ſucceſſor is not known, the lands, &c. of the ſee might be liable to ſpoil and deveſtation. By keeping the ſee vacant, and making the biſhops pay for their temporalties, ſome of the kings have raiſed large ſums; but now they are tranſmitted to the ſucceſſor with all profits

profits accruing, from the time of the vacancy, &c.

II. The king is entitled to a corody, as the law calls it, out of every biſhoprick: that is, to ſend one of his chaplains to be maintained by the biſhop, or to have a penſion from him 'till he promotes him to a benefice: and though now fallen into total diſuſe, Sir Matthew Hale ſays, 'tis due of common right and that no preſcription will diſcharge it.

III The king is entitled to all the tythes ariſing in extraparochial places, thro' an implied truſt, that he will diſtribute them for the good of the clergy in general.

IV. The next branch conſiſts in the firſt-fruits, and tenths of all ſpiritual preferments in the kingdom: but this is now employed for the benefit of the clergy.

V. The rents and profits of the demeſne lands of the crown, *terrae dominicales regis;* and which though they formerly conſiſted of divers rich manors, and lordſhips, are now almoſt entirely granted away to private ſubjects. But after king William III. had been

been ſo very liberal, an act* was made, whereby all future leaſes or grants from the crown for a longer time than thirty-one years or three lives are declared null and void: except with regard to houſes, which may be for fifty years. And no reverſionary leaſe can be made, but to fill up the remaining term of the laſt. The misfortune is, the act was made too late.

VI. Profits ariſing from military tenures, purveyance, and pre-emption. This was a right in the king of buying up proviſions and other neceſſaries at an appraiſed valuation, without conſent of the owner. Theſe were productive of many miſchiefs to the people, and were given up by king Charles II. and the parliament, in part of recompence, ſettled on him, and his heirs for ever, the hereditary exciſe of fifteenpence per barrel on all beer and ale ſold in the kingdom, and a proportionable ſum on all other liquors.

VII. The rents payable by ſuch perſons as are licenſed by the crown to ſell wine by re-

* 1. Ann. ſtat. 1. chap. 11.

tail

tail throughout the kingdom, except in a few privileged places. Theſe were firſt ſettled by ſtatute* to make up with the beer exciſe the equivalent to the rights given up as before mentioned; but were aboliſhed ſince,† and 7000l. *per annum*, iſſuing out of the new ſtamp duties impoſed on wine licences, was ſettled on the crown.

VIII. The profits ariſing from the king's foreſts, which conſiſted principally in amercements or fines levied for offences againſt the foreſts-laws; but as few, if any courts of this ſort has been held ſince 1632, 8 Cha. I. nobody would wiſh to ſee a revival of them.

IX. The profits ariſing from the king's ordinary courts of juſtice. Theſe were of various kinds; but, in proceſs of time, have been almoſt all granted away, or applied to particular purpoſes: ſo that, though the law-ſuits are loaded with them, very little returns into the king's exchequer; for a part of whoſe royal maintenance they were in-

* 12 Cha. II. chap. 25.

† 30 Geo. II. chap. 19.

tended.

tended. All future grants of them are* to endure no longer than the prince's life who grants them.

X. The right to *royal fiſh*, which are whale and ſturgeon, when either thrown on ſhore, or caught near the coaſt, are the king's property, in conſideration of his guarding and protecting the ſeas from pirates and robbers.

XI. Another maritime revenue, and founded on the ſame reaſon, is that of ſhipwrecks; which are alſo declared to be ſo by ſtatute,† and were ſo long before at common law. Wreck, by common law, was where any ſhip was loſt at ſea, and the goods or cargo were thrown upon the land; and theſe were adjudged to the king: for it was held, by the loſs of the ſhip, all property was gone out of the original owner. But the rigour of this law, has from time to time been ſoftened in favour of the diſtreſsed proprietors; and now it conſiſts only in that rational part, where, if no owner can be aſcertained, it belongs to

* 1. Ann. ſtat. 2. chap. 7.

† 17. Edward II. chap. 11.

the

the king. It is the buſineſs of the ſheriff to take care of theſe; where the revenue is not granted out to lords of manors, as a royal franchiſe. It is to be obſerved that to conſtitute a legal *wreck*, the goods muſt come to land. If they continue at ſea, the law diſtinguiſhes them by the barbarous appellations of *jetſam*, *flotſam*, and *ligan*. The firſt is where goods are caſt into the ſea and ſink: the ſecond, where they continue ſwimming on the waves: the laſt, where they are ſunk, but have a buoy or cork faſtened to them, in order to be found. Theſe three do not paſs in a king's grant of wrecks to any man; theſe like the other wrecks, are alſo given to the legal owner, if he can be found; and by ſeveral late acts, all poſſible care is taken by the legiſlature, to render the loſs as ſmall as may be to the ſufferer.

XII. The right to mines, which has it's original from the king's prerogative of coinage, in order to ſupply him with materials: and therefore the mines, properly royal, are ſilver and gold. By the old common law, if ſilver or gold were found in mines of baſe metal, the whole was the king's: but

but it is now ſettled, that the king, or perſons claiming royal mines under his authority, may have the ore, paying a certain price as ſtated in the act.*

XIII. To the ſame original, in part, may be referred the revenue of treaſure-trove, called in Latin *theſaurus inventus*, which is where any coin, bullion, plate, gold, or ſilver, is found and the owner unknown, it belongs to the king: but if it is found in the ſea, or upon the earth, it is the finders, no owner appearing. A man that hides his treaſure, does not mean to abandon it; but reſerves a right of claiming it whenever he ſees occaſion; but if he dies and the ſecret with him, the law gives it the king, as a part of his royal revenue. But if a man ſcatters his treaſure in the ſea, or upon the earth, he is conſtrued to have abſolutely abandoned his property, and returned it into the common ſtock, without any intention of reclaiming it; therefore it belongs, as in a ſtate of nature, to the firſt occupant or finder; unleſs the owner appears and aſſerts his right, which then proves the loſs was by accident, and not with an intent to renounce his property. Formerly all treaſure-trove belonged

* 1 W. & M. ſtat. 1. chap. 30.—5. chap. 6.

to

to the finder; as was alſo the caſe of the civil law. When the feudal laws obtained in England, it was death to conceal treaſure-trove from the king; now only fine and impriſonment.

XIV. Waifs, *bona waviata*, are goods ſtolen, and thrown away by the thief in his flight, for fear of being apprehended. Theſe are given to the king as a puniſhment to the owner for not himſelf purſuing the felon, and taking away his goods from him. And therefore if the party robbed do his diligence to follow and apprehend the thief, or do convict him afterwards, he ſhall have his goods again. Waived goods do not belong to the king, unleſs ſeized by ſomebody for his uſe; and if the party can ſeize them firſt, though at the diſtance of twenty years, the king ſhall never have them. The goods of a foreign merchant in ſuch a caſe, ſhall never be waifs; as well for the encouragement of commerce, as that there cannot be a wilful default in the foreigner's not purſuing the thief, he being ſuppoſed a ſtranger to our laws, uſages, and cuſtoms, and language.

XV. Eſtrays are ſuch valuable animals as

are found wandering in any manor or lordſhip, and no man knoweth the right owner of them; in which caſe the law gives them to the king as lord paramount of the ſoil, in recompence for the damage they may have done therein; and they now moſt commonly belong to the lord of the manor, by ſpecial grant from the king. They muſt be proclaimed in the church and two market towns next adjoining to the place where found, and muſt be kept a year and a day; and then, if no owner appears, they belong to the king or his grantee without redemption. But if a lord keepeth an eſtray three quarters of a year, and within the year it ſtrayeth again, and another lord gets it, the firſt lord cannot take it again. Any beaſt may be an eſtray, that is by nature tame and reclaimable, and in which there is a valuable property. A ſwan may alſo be an eſtray, but no other fowl. Cattle and ſwans being of a reclaimed nature, the owner's property in them is not loſt merely by their temporary eſcape; and they are alſo a ſufficient pledge for the lord of the franchiſe for keeping them a year and a day. For he that takes an eſtray is bound to find it in proviſions ſo long as he keeps it, and free from damage, and may not uſe it by way of labour, but

but is liable to an action for ſo doing. Yet he milks a cow, or the like, for this tends to the preſervation of the animal. Beſides the particular reaſons before given why the king ſhould have the ſeveral revenues of royal fiſh, wrecks, treaſure-trove, waifs, and eſtrays, there is alſo this general reaſon, that they are *bona vacantia*, or goods in which no one elſe can claim a property. And therefore by the way of nature, they belong to the firſt occupant or finder; but, in ſettling moſt of the modern governments in Europe, it was thought proper (to prevent that ſtrife and contention, which the mere title of occupancy was apt to create and continue, and to provide for the ſupport of public authority in a manner leaſt burdenſome to individuals) that theſe rights ſhould be annexed to the ſupreme power by the poſitive laws of the ſtate. And ſo it came to paſs, as Bracton expreſſes it, *haec quae nullius in bonis ſunt, et olim fuerunt inventoris de jure naturali, jam efficiuntur principis de jure gentium.*

XVI. Forfeitures of lands and goods for offences; *bona confiſcata*, ſo called by the Civilians, becauſe they belonged to the *fiſcus* or imperial treaſury. The true reaſon and only

only ſubſtantial ground of any forfeiture for crimes conſiſts in this; that all property is derived from ſociety, being one of thoſe civil rights which are conferred upon individuals, in exchange for that degree of natural freedom, which every man muſt ſacrifice when he enters into civil and ſocial communities. If therefore a member of any national community violates the fundamental contract of this aſſociation, by tranſgreſſing the municipal law, he forfeits his right to ſuch privileges as he claims by ſuch contract; and the ſtate may very juſtly aſſume that portion of property, which the laws have aſſigned him. Hence, in crimes of an atrocious nature the laws have ſometimes a total confiſcation of the moveables or perſonal eſtate; and in many caſes a perpetual, and in others only a temporary, loſs of the offender's immoveable or landed property; and have veſted them both in the king, who is the perſon ſuppoſed to be offended, being the one viſible magiſtrate in whom the majeſty of the public reſides.

Deodand is a ſpecies of forfeiture, a part of the *cenſus regalis*, ariſing from the misfortune rather than the crime of the owner. By

By this is meant whatever perſonal chattel is the immediate occaſion of the death of any reaſonable creature; which is forfeited to the king, for pious uſes, and diſtributed in alms by his high almoner: but it ſeems originally to have been given to the church, for an expiation for the ſouls of ſuch as were ſnatched away by ſudden death. So the apparel of a ſtranger found dead was applied to purchaſe maſſes for the good of his ſoul. And this may account for that rule of the law, that where an infant falls from a cart, or the like, not being in motion, and is killed, there is no forfeiture; whereas, if the cart is in motion, and it falls from thence, it is certainly forfeited. And whether adult or infant, if the cart, ox, or horſe be in motion, they ſhall in either caſe be a deodand; *omnia quae ad mortem movent ſunt Deo danda*, ſays Bracton. Where a thing, not in motion, is the immediate occaſion of a man's death, that part only is forfeited, which was the cauſe; thus, if a man be climbing up a wheel, and is killed by falling from it, the wheel alone is a deodand: but, where the thing is in motion, not only that part which immediately gives the wound, (as the wheel, which runs over the body) but all things which move

move with it and help to make the wound more dangerous, (as the cart and lading, which increaſe the preſſure of the wheel) are forfeited. For if a man kills another with my ſword, the ſword is forfeited as an accurſed thing. And therefore, in all indictments for homicide, the inſtrument of death and the value are preſented and found by the grand jury, (as, that the ſtroke was given with a certain penknife, of the value of ſixpence) that the king or his grantee may claim the deodand: for it is no deodand, unleſs it be preſented as ſuch by a jury of twelve men. No deodands are due from accidents on the high ſeas, that being out of the jurisdiction of the common law: but if a man falls from a boat or ſhip in freſh water, and is drowned, the veſſel and cargo, in ſtrictneſs, are a deodand.

XVII. Eſcheats of lands, which happen upon the defect of heirs to ſucceed to the inheritance; whereupon they in general revert to and veſt in the king, who is eſteemed, in the eye of the law, the original proprietor of all the lands in the kingdom.

XVIII. The laſt branch of the king's ordinary revenue, conſiſts in the cuſtody of idiots.

idiots. An idiot, or natural fool, is one that hath no underſtanding from his nativity; and is therefore by law preſumed never to have any. The cuſtody of the idiot, and his lands were formerly veſted in the lord of the fee, (and ſtill, by ſpecial cuſtom, in ſome manors, the lord ſhall have the ordering of idiot and lunatic copyholders) but, by the manifold abuſes of this power by ſubjects, it was provided by common conſent, that it ſhould be given to the king*, as common conſervator of his people, in order to prevent the idiot from waſting his eſtate. The king ſhall have ward of the lands of natural fools, taking the profits without waſte or deſtruction, and ſhall find them neceſſaries; and after the death of ſuch idiots he ſhall render the eſtate to the heirs; in order to hinder ſuch idiots from aliening their lands, and their heirs from being diſinherited. A man is not an idiot, if he has any glimmering of reaſon, ſo that he can tell his age, parents, and the like common matters. But he who is born deaf, dumb, and blind, is looked upon by the law as in the ſtate of an idiot. A lunatic, or *non compos mentis*, is one who hath had underſtanding, but

* 17 Edward II. chap. 9.

by

by accident, ſuch as ſickneſs, grief, and the like, has loſt it. A lunatic is properly one that hath lucid intervals. To theſe the king is alſo guardian, but to a different purpoſe: for the law always imagines, that theſe accidental misfortunes may be removed; and therefore only conſtitute the crown a truſtee to protect their property, and to account to them for all profits received, if they recover, or after their deceaſe to their repreſentatives. The lord chancellor, by ſpecial authority from the king, is entruſted with the cuſtody of idiots, and lunatics. The next heir can never be appointed the committee or guardian of the perſon lunatic, becauſe it is his intereſt that the party ſhould die. But, the ſame objection lays not againſt his being manager of the eſtate, becauſe it is clearly his intereſt, by good management, to keep it in condition; accountable however to the court of chancery, and to the *non compos*, if he recovers; or otherwiſe, to his adminiſtrators. The next of kin, if not his heir, may be committee to the perſon of the lunatic; for his intereſt is in the life of the lunatic; that the perſonal eſtate, which may come to him or his heirs, may be increaſed by the ſavings. Laws againſt

againſt ſpendthrifts and prodigals, do not exiſt in England, as in ſome other countries, for they hardly ſeem calculated for the genius of a free nation, who claim and exerciſe the liberty of uſing their own property as they pleaſe. "*Sic utere tuo, ut alienum non laedas*," is the only reſtriction our laws have given with regard to oeconomical prudence. And the frequent circulation and transfer of lands, and other property, which cannot be effected without extravagance ſomewhere, are perhaps not a little conducive towards keeping our mixed conſtitution in due health and vigour.

OF THE

KING'S

EXTRAORDINARY REVENUE.

THE king's *extraordinary* revenue conſiſts of annual taxes.

I. The land tax; which at four ſhillings in the pound brings in two millions.

II. The malt tax.

The perpetual taxes are,

I. The cuſtoms; or the duties, toll, or tariff, payable upon merchandize exported and imported. The conſiderations upon which the moſt part of this revenue was inveſted in the king, antiently, was, 1. That he gave the

the ſubject leave to depart the country with his goods, &c. 2. Becauſe the king was bound of common right to keep up the ports and havens, and protect the merchant from pirates.

II. The exciſe duty.

III. The duty upon ſalt.

IV. The poſt-office, or duty for carriage of letters.

V. The ſtamp duties.

VI. The duty upon houſes and windows.

VII. The duty paid by hackney coaches and chairs.

VIII. The duty upon offices and penſions; conſiſting in the payment of one ſhilling in the pound (over and above all other duties) out of all ſalaries, fees, and perquiſites, of offices and penſions payable by the crown. This was impoſed by ſtatute,* and is under the direction of the commiſſioners of the land tax. Since which, many others are added, that would be tedious to recount.

* 31 Geo. II. chap. 22.

OF

SUBORDINATE MAGISTRATES.

THE ſheriff is an officer of great antiquity, his name being derived from two Saxon words, ſhire reeve, the bailiff or officer of the ſhire. He is called in Latin, *vicecomes*, as being the deputy of the earl or *comes*; to whom the cuſtody of the ſhire was committed: but now he does all the king's buſineſs independent of the earl; the king by his letters patent committing *cuſtodiam comitatus* to the ſheriff, and him alone. Sheriffs were formerly* choſen by the inhabitants of the county, where it was not hereditary. The people, or *incolae territorii*, choſe twelve electors, and they nominated three perſons, *ex quibus rex unum confirmabat*. This was the

* 28 Edw. I. chap. 8.

old

old Gothic method; but theſe popular elections creating tumults, was put an end to by ſtatute,* which enacted, that the ſheriffs, ſhould from thenceforth be aſſigned by the chancellor, treaſurer, and judges. But now the cuſtom is, that all the judges, and certain other great officers meet in the exchequer chamber on the morrow of St. Martin, and nominate three, one of which the king appoints. In his judicial capacity he is to hear and determine all cauſes of forty ſhillings value in his county court; he decides likewiſe the election of knights of the ſhire, of coroners and verdurers, and to judge of the qualifications of voters. As keeper of the king's peace, both by common law and ſpecial commiſſion, he is the firſt man of the county, and ſuperior in rank to any nobleman therein, during his office. He may apprehend, and commit to priſon, all perſons who break or attempt to break the peace. He may, and is bound *ex officio*, to purſue and take all traitors, murderers, felons and other misdoers, and commit them to gaol for ſafe cuſtody; and to perform this, or in defence of the county againſt the king's enemies if they land, he may command all the people of his coun-

* 9 Edw. II. ſtat. 2.

ty to attend him; which is called the *poſſe comitatus*: which ſummons every perſon under the degree of a peer, above fifteen years old, is obliged to attend upon warning, under pain of fine and impriſonment. But he may not act as an ordinary juſtice of the peace, or try any criminal offence. In his miniſterial capacity he is bound to execute all proceſs from the king's courts of juſtice: to ſerve the writ, arreſt, and take bail; ſummon and return the jury for tryal, and muſt ſee the judgement of the court carried into excution, though it extends to death itſelf. It is his buſineſs to preſerve the rights of the king, within his bailiwic. He muſt ſeize to the king's uſe all eſcheats, fines, and forfeitures; and keep all waifs, wrecks, eſtrays and the like, and muſt alſo collect the king's rents if commanded by proceſs from the exchequer. To execute theſe various offices, he has many inferior officers; an under-ſheriff, bailiffs, and goalers; who muſt neither buy, ſell, nor farm their offices, on forfeiture of 500l.

The under-ſheriff uſually performs all the duties of the office; except where the perſonal

nal preſence of the high-ſheriff is neceſſary. But no under-ſheriff ſhall abide in his office above one year, and if he does,* he ſhall forfeit 200l. And no under-ſheriff or ſheriff's officer ſhall practice as an attorney, during the time he continues in ſuch office: for this would be a great inlet to partiality and oppreſſion.

Bailiffs, are either of the hundred, or ſpecial. Thoſe of the hundreds are appointed by the ſheriffs to collect the fines therein; to ſummon the juries; to attend the judge and juſtices at the aſſizes, and quarter ſeſſions; and alſo to execute writs and proceſs. But theſe men not being generally thoroughly ſkilful in the latter branch of their office, it is uſual to join ſpecial bailiffs with them; who are generally mean perſons ſo employed for their adroitneſs in ſeizing their prey. The ſheriff being anſwerable for the miſdemeanors of theſe bailiffs, they are uſually bound in a bond for the due execution of their office, and thence called bound-bailiffs, which the

* 23. Hen. VI. chap. 8.

common

common people have corrupted into a much more homely appellation.

Goalers are alſo ſervants of the ſheriff, and he muſt be reſponſible for their conduct; if they ſuffer any to eſcape that are committed by lawful warrant, the ſheriff ſhall anſwer it to the king, if a criminal matter; or, in a civil caſe, to the party injured. And to this end the ſheriff muſt have lands ſufficient to anſwer the king and his people. The vaſt expence that cuſtom had introduced in the ſerving this office was reſtrained by ſtatute*, that the ſheriffs ſhould keep no table but for his own family, nor give preſents to the judge or his ſervants, and that he ſhould not have more than forty men in livery; yet, for the ſake of decency, he may not have leſs than twenty in England, nor twelve in Wales; upon forfeiture, in any of theſe caſes, of 200l.

II. The coroner is alſo a very ancient office at the common law. He is called coroner, *coronator*, becauſe he hath principally to do with common pleas of the crown, or

* 13 & 14 Cha. II. chap. 21.

ſuch

ſuch wherein the king is more immediately concerned. And in this light the lord chief juſtice of the king's bench is the principal coroner in the kingdom, and may execute that office in any part of the realm. This officer is of equal antiquity with the ſheriff; and ordained together with him to keep the peace, when the earls gave up the wardſhip of the counties. They are choſen by the freeholders of the county court: formerly none but lawful and diſcreet knights could be choſen, and there was an inſtance* of a man's being removed from this office, being only a merchant. The coroner is choſen for life: he may be removed by being ſheriff or verdurer; and by a late ſtatute†, for extortion, neglect, or other miſbehaviour. His office and power is chiefly judicial, and this, in great meaſure aſcertained by ſtatute, ‡ *de officio coronatoris*; and conſiſts, firſt, in inquiring concerning the manner of the death of any perſon ſlain, or who dies ſuddenly. And this muſt be done *ſuper viſum corporis*; for, if the body be not found, the

* 5. Edw. III.

† 25. Geo. II. chap. 29.

‡ 4. Edw. I.

coroner cannot ſit: for he muſt ſit at the very place where the death happened; and his enquiry is made by a jury from four, five, or ſix of the neighbouring towns, over whom he is to preſide. If any be found guilty by this inqueſt of murder, he is to commit him to priſon for further trial, and is alſo to enquire concerning their lands, goods and chattels, which are forfeited thereby: but, whether it be murder or not, he is to enquire whether any deodand has accrued to the king, or the lord of the franchiſe, by this death: and muſt certify the whole of this inquiſition to the court of king's bench, or next aſſizes. Another branch of his office is concerning wrecks; and to certify whether wrecks or not, and who is in poſſeſſion of the goods; and ſo of treaſure-trove.

His miniſterial office is only as the ſheriff's ſubſtitute. For when juſt exception can be taken to the ſheriff, for ſuſpicion of partiality, the proceſs muſt then be awarded to the coroner, inſtead of the ſheriff, for execution of the king's writs.

III. Juſtices of the peace; the principal of whom is the *cuſtos rotulorum*. The king's majeſty is by his office and dignity royal, the

firſt conſervator of the peace within all his dominions; and may give authority to any other to ſee the peace kept, and to puniſh ſuch as break it: hence it is uſually called the king's peace. The lord chancellor or keeper, the lord treaſurer, the lord high ſteward of England, the lord mareſchal, and the lord high conſtable (when any ſuch officers are in being) and all the juſtices of the court of king's bench (by virtue of their offices) and the maſter of the rolls (by preſcription) are general conſervators of the peace throughout the whole kingdom, and may commit all breakers of it or bind them in recognizance to keep it: the other judges are only ſo in their own courts. The coroner and ſheriff are both ſo in their country; and may take a ſecurity for the peace. Conſtables and tything-men, and the like, are conſervators of the peace within their own jurisdictions; and may apprehend all breakers of the peace, and commit them 'till they find ſureties for the keeping it. Thoſe that were without any office, ſimply, and merely conſervators of the peace, were choſen by the freeholders at the county court, *de probioribus et melioribus in comitatu ſuo in cuſtodes pacis.* This form was firſt altered,

tered, when Iſabel, queen of Edward II. had contrived to depoſe her huſband and ſet up her ſon, by a falſe reſignatation of the father. Being a thing without example, it was feared it would much alarm the people; eſpecially as the old king was living, though hurried about from caſtle to caſtle; till at laſt he met with an untimely death. To prevent therefore any riſings, the new king ſent writs to all the ſheriffs, commanding that the peace be kept throughout his bailiwic, on pain and penalty of diſinheritance and the loſs of life and limb. And a ſhort time after it was ordained in parliament, that, good and lawful men ſhould be aſſigned, in each county, to keep the peace; and this aſſignment to be by the king's commiſſion. And in this manner, and upon this occaſion, was the election of the conſervators of the peace taken from the people, and given to the king. But ſtill they were called only conſervators, wardens, or keepers of the peace, till by ſtatute,* they had a power of trying felonies; and then they acquired the more honourable appellation of juſtices. The qualifications for ſerving in this office have been differently fixed; it now ſtands, that

* 34 Edw. I. chap. 1.

every

every juſtice, except as is therein excepted, ſhall have 100l. *per annum* clear of all deductions†; and, if he acts without his qualification, he ſhall forfeit 100l. and of this qualification the juſtice ſhall make oath. No practiſing attorney, ſolicitor, or proctor, ſhall be capable of acting as a juſtice of the peace. As the office is conferred by the king, ſo it ſubſiſts only during his pleaſure, and is determinable, 1. By the demiſe of the crown. 2. By expreſs writ under the great ſeal, diſcharging any particular perſon from being juſtice. 3. By ſuperſeding the commiſſion by writ of *ſuperſedeas*, which ſuſpends the power of all juſtices, but does not totally deſtroy it; ſeeing it may be revived by another writ, called a *procedendo* 4. By a new commiſſion, which virtually, though ſilently, diſcharges all the former juſtices that are not included therein. 5. By acceſſion to the office of ſheriff or coroner. The power, office, and duty of a juſtice of the peace, is now of ſuch extent, that few care to undertake, and fewer underſtand, the office. Several ſtatutes have

† 5. Geo. II. chap. 11.

been

been made to protect the undeſigned ſlip of a well meaning juſtice. But, on the other hand, any malicious or tyrannical abuſe of their office is ſure to be puniſhed ſeverely; and all perſons who recover a verdict againſt a juſtice, for any wilful or malicious injury, are intitled to double coſts.

IV. Of conſtables. Conſtables derived their office from that very high one of lord high conſtable, which has been diſuſed in England, except on particular occaſions, ſince the attainder of Stafford duke of Buckingham, in Henry 8th's time; and about a century after diſuſed in France. His office was to regulate all matters of chivalry, and by the ſtatute of Weſtminſter, two conſtables in every hundred and franchiſe ſhall inſpect all matters relating to arms and armour.

Conſtables are of two ſorts, high and petty. Their duty, is to keep the king's peace in their ſeveral diſtricts; and to that purpoſe they are armed with very large powers of arreſting, impriſoning, breaking open houſes, and the like. One of their principal duties, ariſing from the ſtatute of Weſtminſter, which

which appoints them, is to keep watch and ward in their jurisdictions.

Ward is chiefly intended of the day time, for the apprehending rioters, and highway-robbers. Watch is properly applicable to night only.

V. Surveyors of the highways. Every parish is bound of common right to keep the high roads, that go through it, in good repair; unless by reason of the tenure of lands, or otherwise, the care is consigned to a private person. By our antient laws, no man's estate was free from this, being a part of the *trinoda necessitas*; viz. *expeditio contra hostem, arcium constructio, et pontium reparatio.* Surveyors were appointed by statute*, and were fixed upon by the constables and churchwardens; but now they are constituted by two justices of the peace, out of substantial inhabitants having 10l. *per annum* of their own, or renting 30l. *per annum*, or are worth in personal estate 100l.

VI. Overseers of the poor. The poor of England, till the time of Henry VIII. sub-

* 2 & 3. Ph. & M. chap. 8.

sisted

ſiſted entirely upon private benevolence. For, though it appears by common law, the poor were to be ſuſtained by parſons, rectors of the church, and pariſhioners; ſo that none of them die from default of ſuſtenance; and though by ſtatute†, the poor are directed to be ſuſtained in the cities or towns wherein they were born, or dwelt three years (which ſeems to be the firſt rudiments of pariſh ſettlements) yet till another ſtatute,‡ no compulſory methods were chalked out for this purpoſe. The monaſteries, in particular, were their principal reſource. Upon their diſſolution abundance of ſtatutes were made in the reign of Henry VIII. but not effectual; and it was not till Elizabeth had tried many fruitleſs experiments, that overſeers of the poor were appointed.* The two great objects of this ſtatute ſeem, 1. To relieve the impotent poor, and them only. And, 2. To find employment for ſuch as were able to work.

† 12 R. II. chap. 7.—19 Hen. VII. chap. 12.

‡ 27. Hen. VIII. chap 26.

* 43. Eliz. chap. 2.

OF THE

PEOPLE

WHETHER

ALIENS, DENIZENS, OR NATIVES.

THE firſt and moſt obvious diviſion of the people is into aliens and natural-born ſubjects. The latter are ſuch as are born within the dominions of the crown of England, that is, within the ligeance, or as more generally, the allegience of the king; and aliens, ſuch as are born out of it. Allegiance is that tye, or *ligamen*, that binds the ſubject to the king, in return for that protection which the king affords the ſubject.

The oath of allegiance, which was adminiſtered for upwards of 600 years, contained "a promiſe to be true and faithful to the king and his heirs, and truth and faith to bear of life and limb and terrene honour, and not to know or hear of any ill or damage intended him, without defending him therefrom." But, at the revolution, the terms of this oath were altered, the ſubject only promiſing "that he will be faithful and bear *true* allegiance to the king." But the law holds that there is an implied, original, and virtual allegiance, owing from every ſubject to his ſovereign, antecedently to any expreſs promiſe; and although the ſubject never ſwore any faithful allegiance in form. An alien born may purchaſe lands, or other eſtates: but not for his own uſe; for the king is thereupon entitled to them. Children of aliens, born here, are, generally ſpeaking, natural-born ſubjects: in France it is otherwiſe. A denizen is an alien born, but who has obtained *ex donatione regis* letters patent to make him an Engliſh ſubject: an high and incommunicable branch of the royal prerogative. A denizen is a kind of middle ſtate. He may take lands by purchaſe or deviſe, which an alien may not; but cannot

not take by inheritance: for his parent, through whom he muſt claim, being an alien, had no inheritable blood, and could not therefore convey any to the ſon. The iſſue of a denizen, *before* denization, cannot inherit to him; but his iſſue born *after* may. A denizen is not excuſed from paying the alien's duty, and ſome other mercantile burthens. No alien, or denizen, or perſon naturalized, can be a member of the privy council, or parliament, or have any office of truſt, civil or military, or be capable of any grant from the crown. By naturalization, an alien is put exactly in the ſame ſtate as if he had been born in the king's ligeance; except the aforementioned exceptions, and this can be changed only by act of parliament. He muſt have received the ſacrament one month before the bringing in of the bill, and muſt take the oaths of allegiance and ſupremacy before the parliament. Every foreign ſeaman who ſerves two years on board an Engliſh ſhip is *ipſo facto* naturalized; and all foreign proteſtants, and jews, upon their reſiding ſeven years in any of the American colonies, without being abſent above two months at a time, are upon taking the oaths naturalized to all intents and purpoſes.

OF THE

CLERGY.

DURING the attendance on divine ſervice a clergyman is privileged from arreſts in civil ſuits. In caſes of felony, a clerk in orders ſhall have the benefit of his clergy, without being branded in the hand; and may have it more than once. He cannot ſit in the houſe of commons; nor take any lands or tenements to farm, upon pain of 10l. *per* month, and total avoidance of the leaſe; nor can he engage in any manner of trade, nor ſell any merchandize, under forfeiture of the treble value.

An arch-biſhop or biſhop is elected by the chapter of his cathedral church, by virtue

tue of a licence from the crown, termed a *conge d'elire*; and, if the dean and chapter delay their nomination twelve days, the nomination ſhall devolve to the king. This election or nomination if of a biſhop, muſt be ſignified by the king's letters patent to the arch-biſhop of the province; if it be of an arch-biſhop, to the other arch-biſhop and two biſhops, or to four biſhops; requiring them to confirm, inveſt, and conſecrate the perſon ſo elected. The biſhop elect ſhall ſue to the king for his temporalties, ſhall make oath to the king and none other, and ſhall take reſtitution out of the king's hands only. And if ſuch dean and chapter do not elect in the manner by this act appointed, or if ſuch arch-biſhop or biſhop do refuſe to confirm, inveſt, and conſecrate ſuch biſhop elect, they ſhall incur all the penalties of a *praemunire*. An arch-biſhop is the chief of the clergy in a whole province; and has the inſpection of the biſhops, as well as of the inferior clergy, and may deprive them on notorious cauſe. He has alſo his own dioceſe wherein he exerciſes epiſcopal jurisdiction; as in his province he exerciſes archiepiſcopal. He cannot call the biſhops and clergy in his province to

meet

meet in convocation, without the king's writ. During the vacancy of any ſee, he is guardian of the ſpiritualties, as the king is of the temporalties; and he executes all eccleſiaſtical juriſdiction therein. If an archiepiſcopal ſee be vacant, the dean and chapter are the guardians of the ſpiritualties, ſince the office of prior of Canterbury was aboliſhed at the reformation. The arch-biſhop is entitled to preſent by lapſe to all livings in the diſpoſal of his dioceſan biſhops, if not filled within ſix months. And he has a cuſtomary prerogative, when a biſhop is conſecrated by him, to name a clerk or chaplain of his to be provided for by ſuch ſuffragan biſhop. It is now uſual for ſuch biſhop to make over by deed to the arch-biſhop, his executors or aſſigns, the next preſentation of ſuch dignity or benefice in the biſhop's diſpoſal within that ſee, as the arch-biſhop ſhall chooſe; which is therefore called his option: which options are not binding to the ſucceſſors of the biſhop. This was an encroachment of the pope on the imperial prerogative called *primae* or *primariae preces*. He has alſo by ſtatute*, the power of granting diſpenſa-

* 25. Hen. VIII. chap. 21.

tions

tions in any caſe, not contrary to the holy ſcriptures and the law of God, where the pope formerly uſed them: which is the foundation of his granting licences, to marry at any place or time, to hold two livings, and of conferring degrees, in prejudice of the two univerſities. If a biſhop reſigns, it muſt be to his metropolitan; but an archbiſhop to the king only.

A dean and chapter are the council of the biſhop, to aſſiſt him in all temporal and ſpiritual concerns of his ſee. All antient deans, are elected by the chapter by *conge d'elire*, and letters miſſive of recommendation: but in thoſe chapters, founded by Henry VIII. out of the ſpoils of the diſſolved monaſteries, the inſtallation is merely by the king's letters patent. Till a certain ſtatute* was made, the biſhop's grant or leaſe would not have bound his ſucceſſors, unleſs confirmed by the dean and chapter. If any ſpiritual perſon be made a biſhop, all the preferments he was before poſſeſſed of are void; and the king may preſent to them by his prerogative royal. But they are not void by the election, but by the conſecration.

* 32 Hen. VIII. chap. 28.

A parſon

A parſon *perſona eccleſiae*, is one that hath full poſſeſſion of all the rights of a parochial church. He is called parſon, *perſona*, becauſe by his perſon the church, which is an inviſible body, is repreſented; and he is in himſelf a body corporate, in order to protect and defend the rights of the church (which he perſonates) by a perpetual ſucceſſion. He is ſometimes called the rector, or governor, of the church: but the appellation of *parſon*, (however it may be depreciated by familiar, clowniſh, and indiſcriminate uſe) is the moſt legal, moſt beneficial, and moſt honourable title that a pariſh prieſt can enjoy; becauſe ſuch a perſon, (Sir Edward Coke obſerves) and he only, is ſaid *vicem ſeu perſonam eccleſiae gerere*. A parſon has, during his life, the freehold in himſelf of the parſonage houſe, the glebe, the tithes and other dues; but theſe are ſometimes *appropriated*. At the firſt eſtabliſhment of parochial clergy, the tithes of the pariſh were diſtributed in a fourfold diviſion; one for the uſe of the biſhop, another for maintaining the fabric of the church, a third for the poor, and a fourth for the incumbent. When the ſees of biſhops were more amply endowed, the diviſion was into three

three parts only. And hence it was inferred by the monaſtics, that a ſmall part was ſufficient for the officiating prieſt, and that the remainder might well be applied to the uſe of their own fraternities, (the endowment of which was conſtrued a work of the moſt exalted piety) ſubject to the burden of repairing the church and providing for it's conſtant ſupply. And therefore they begged and bought all advowſons within their reach, and then appropriated the benefices to the uſe of their own corporations. At the diſſolution of the monaſteries by ſtatute*, the appropriations of the ſeveral parſonages, which belonged to thoſe reſpective religious houſes, (amounting to more than one third of all the pariſhes) would have been by the rules of the common law diſappropriated; had not a clauſe in thoſe ſtatutes intervened, to give them to the king in as ample a manner as the abbots, &c. formerly held them. Theſe appropriating corporations, or religious houſes, were wont to depute one of their own body to perform the religious duties in thoſe pariſhes of which the ſociety was thus the parſon. This vicegerent of the appropriator was called *vicarius*, or *vicar*. The abuſes from this were

* 27 Hen. VIII. chap. 28—31 Hen. VIII. chap. 13.

ſo flagrant, that by ſtatute in Richard II. and laſtly by ſtatute 4 Henry IV. chap. 12. it is ordained, that the vicar ſhall be a ſecular perſon, and not a member of any religious houſe; that he ſhall be perpetual, not removeable at the caprice of the monaſtery; and that he ſhall be canonically inſtituted and inducted, and be ſufficiently endowed, at the diſcretion of the ordinary, for theſe three expreſs purpoſes; to do divine ſervice, to inform the people, and keep hoſpitality. There are four requiſites neceſſary to the becoming a parſon or vicar; holy orders, preſentation, inſtitution, and induction. If any perſon obtains orders, or a licence to preach by money or corrupt practices (which ſeems to be the true, though not the common notion of ſimony) the perſon giving ſuch orders forfeits 40l. and the perſon receiving 10l. and is incapable of holding any eccleſiaſtical preferment for ſeven years afterwards.

A biſhop may refuſe a preſentation from the patron of the advowſon of the church. 1. If the patron is excommunicated, and remains in contempt forty days. Or, 2. If the clerk be a baſtard, an outlaw, an excommunicate, an alien, or underage. Next with regard to his faith or morals; as for any particular hereſy,

hereſy, or vice that is *malum in ſe:* but if the biſhop only alleges in general, that he is *ſchiſmaticus inveteratus,* or objects a fault that is *malum prohibitum* only, ſuch as haunting taverns, playing at unlawful games, and the like, it is not good cauſe of refuſal. Or, the clerk may be unfit for want of learning, or other matter of eccleſiaſtical cognizance, there the biſhop muſt give notice to the patron of ſuch his cauſe of refuſal, who, being generally a layman, is not ſuppoſed to have knowledge of it; elſe he cannot preſent by lapſe: but if the cauſe be temporal, he is not bound to give notice. When a vicar is inſtituted, he, (beſides the uſual forms) takes, if required by the biſhop, an oath of perpetual reſidence, for the maxim of the law is, *vicarius non habet vicarium*: for as the non-reſidence of the appropriator was the cauſe of the perpetual eſtabliſhment of vicarages, the law judges it very improper for them to defeat the end of their conſtitution: eſpecially as, if any profits are to ariſe from putting in a curate, and living at a diſtance from the pariſh, the appropriator, who is the real parſon, has the elder title to them. When the ordinary is alſo the patron and *confers* the living, the preſentation and inſtitution

ſtitution are one and the ſame act, and called a collation to a benefice. Upon inſtitution, a clerk may enter on the parſonage houſe and glebe, and take the tythes; but cannot grant or let them, or bring any action for them, till induction. Induction is performed by mandate from the biſhop to the archdeacon. It is done by giving the clerk corporal poſſeſſion of the church, by holding the ring of the door, tolling a bell, or the like; and is a form required by law, with intent to give all the pariſhioners due notice, and ſufficient certainty of their new miniſter, to whom their tythes are to be paid. 'Tis therefore the inveſtiture of the temporal part of the benefice, as inſtitution is of the ſpiritual: and when a clerk is thus preſented, inſtituted, and inducted into a rectory, he is then, and not before, in full and compleat poſſeſſion, and is called in law *perſona imperſonata*, or parſon *imparſonée*. By ſtatute*, perſons abſenting themſelves from their benefice for one month together, or two months in the year, incur a penalty of 5l. to the king, and 5l. to any perſon that will ſue for the ſame: except chaplains to the king, or others therein mentioned. Legal reſidence is not only in the pariſh, but alſo in the par-

* 21 Hen. VIII. chap. 13.

ſonage

ſonage houſe: for it hath been reſolved, that the ſtatute intended reſidence, not only for ſerving the cure, and for hoſpitality; but alſo for maintaining the houſe, that the ſucceſſor may alſo keep hoſpitality there. A clerk may be deprived of his benefice, among other reaſons, for abſenting himſelf ſixty days in one year from a benefice belonging to a popiſh patron, to which he was preſented by either of the two Univerſities. If any rector or vicar nominates a curate to the ordinary to be licenced, the ordinary ſhall ſettle his ſtipend under his hand and ſeal, not exceeding 50l. nor under 20l. *per annum*, and on failure of payment may ſequeſter the profits of the benefice.

OF THE

CIVIL STATE.

THE civil ſtate conſiſts of the nobility and commonalty. The degrees of nobility now in uſe are dukes, marquiſſes, earls, viſcounts, and barons. The right of peerage ſeems to have been originally territorial; that is, annexed to lands, caſtles, manors, &c. and might be alienated with thoſe lands, &c. 'Tis thus the biſhops ſit in the houſe of lords in right of ſucceſſion to certain ancient baronies annexed, or ſuppoſed to be annexed, to their epiſcopal lands. The caſtle of Arundel, in 11 Henry VI. was adjudged to confer an earldom on it's poſſeſſor; but when alienations grew ſo frequent, the dignity of peerage was confined to the lineage of the party

ty ennobled, and no longer became territorial. Peers are now created either by writ or patent: for thoſe who claim by preſcription muſt ſuppoſe either a writ or a patent; though by length of time it is loſt. Creation by writ has this advantage over that by patent, that he holds the dignity to him and his heirs, without any words to that purpoſe in the writ; whereas in letters patent there muſt be words to direct the inheritance. A nobleman, in criminal caſes, ſhall be tried by his peers. The great are always obnoxious to envy of the people: they ought not therefore to be judged by the people; beſides it would be robbing them of the privilege of the meaneſt ſubjects, that of being tried by their equals, which is ſecured to all the realm by *magna charta*, chap. 29. It is ſaid, it does not extend to biſhops; who, though lords of parliament, and ſit there by virtue of their baronies which they hold *jure eccleſiae*, yet are not ennobled in blood, and conſequently not peers with the nobility. Peereſſes either in their own right, or by marriage, ſhall be tried by the ſame judicature as peers of the realm. If a woman, noble in her own right, marries a commoner, ſhe ſtill remains noble, and ſhall be tried by her peers: but if ſhe be only

only noble by marriage, and by a ſecond marriage is allied to a commoner, ſhe loſes her dignity; for as by marriage it is gained, by marriage it is alſo loſt. Yet if a dutcheſs dowager marries a baron, ſhe continues a dutcheſs; for all nobility are *pares* and therefore it is no degredation. A peer, ſitting in judgment, gives his verdict upon his honour: and gives anſwers to bills in chancery upon his honour; but, when he is examined as a witneſs, he muſt be ſworn: for the reſpect, which the law ſhews to the honour of a peer, does not extend ſo far as to overturn a ſettled maxim, *in judicio non creditur niſi juratis*. A peer cannot loſe his nobility, but by death or attainder; though there was once an inſtance, in the reign of Edward IV. of the degredation of George Nevile duke of Bedford by act of parliament, on account of his poverty, which rendered him unable to ſupport his dignity. The commonalty, tho' diviſible into degrees, yet are all in law, peers in reſpect of their want of nobility. The firſt name of dignity, next beneath a peer, was anciently that of *vidame*, *vice domini*, or *valvaſors*: mentioned by ancient lawyers as *viri magnae dignitatis*; but their original office is forgot. The firſt dignity after the nobility, is *knight* of

of the order of St. George, or *of the garter*; firſt inſtituted by Edward III. 1344. *Knights banneret*, if created in the field by the king, he ranks next barons: elſe he ranks after *baronets*, who are the next order. Then comes *knights of the bath*; inſtituted by Henry IV, and revived by George the firſt. The laſt are *knights bachelors*; the moſt ancient, though the loweſt, rank: for we have an inſtance of king Alfred conferring this order on his ſon Athelſtan. A knight's fee amounted, in Henry the ſecond's time, to 20l. *per annum*; and every one ſuch was obliged to be knighted, and attend the king in his wars, or fine for his non-compliance. Theſe, ſays Sir Edward Coke, are all the names of *dignity* in this kingdom, eſquires and gentlemen being only names of *worſhip*. But before theſe the herald ranks all colonels, ſerjeants at law, and doctors in the three learned profeſſions. Cambden reckons up four ſorts of eſquire. 1. The eldeſt ſons of knights, and their eldeſt ſons, in perpetual ſucceſſion. 2. The younger ſons of peers, and their eldeſt ſons, in perpetual ſucceſſion: which ſpecies Spelman calls *armigeri natalitii*. 3. Eſquires created

* 5. Rich. II. ſtat. 2. chap. 4.—14. Rich. II. chap. 11.

by the king's letters patent, or other inveſtiture; and their eldeſt ſons. 4. Eſquires by virtue of their office; as juſtices of the peace, &c. To theſe may be added eſquires of knights of the bath, each of whom conſtitutes three at his inſtallation. All foreign, nay, Iriſh peers; and the eldeſt ſons of peers of Great Britain, who, though generally titular lords, are only eſquires in the law, and muſt be ſo named in all legal proceedings. As for *gentlemen*, ſays Sir Thomas Smith, whoever ſtudieth the laws of the realm, who ſtudieth in the univerſities, who profeſſeth liberal ſciences, who (to be ſhort) can live idly, and without manual labour, and will bear the port, charge, and countenance of a gentleman, he ſhall be called maſter, and taken for a gentleman. A *yeoman* is he that hath free land of forty ſhillings by the year; who is thereby qualified to ſerve on juries, vote for knights of the ſhire, and do any other act, which the law requires one that is *probus et legalis homo*. The reſt are *tradeſmen*, *artificers*, and *labourers*.

OF THE

MILITARY

AND

MARITIME STATES.

THE military ſtate includes the whole of the ſoldiery; or, ſuch perſons as are peculiarly appointed for the defence and ſafeguard of the nation.

In the time of the Saxons it was in the hands of the dukes or heretochs, who were elected by the people in their full aſſembly.

Alfred firſt ſettled a national militia, of which we have no particulars; however, it left too much power in the dukes.

The

The feudal law, at the Norman conqueſt, brought 60,000 men into the field, from the number of knight's fees; which were to ſerve forty days in a year. This in time degenerated into pecuniary commutations, and was aboliſhed by ſtatute 12 Car. II. chap. 24. Beſides the knight's fees every man was obliged to provide arms according to his eſtate and degree, in order to keep the peace.

In Charles the ſecond's time, the power of the militia was aſcertained, and the order in which it now ſtands is principally built upon the ſtatutes then enacted.

The *maritime* ſtate is nearly related to the former. Firſt, for their ſupply. The power of impreſſing men for the ſea ſervice by the king's commiſſion, has been a matter of great diſpute, and ſubmitted to with reluctance; though it hath very clearly and learnedly been ſhewn, by Sir Michael Foſter, that the practice of impreſſing, and granting powers to the admiralty for that purpoſe, is of very ancient date, and hath been uniformly continued by a regular ſeries of precedents, to the preſent time: whence he concludes it a part of the common law. The difficulty

is

is from hence, that no ſtatute hath expreſsly declared this power to be in the crown, though many of them very ſtrongly imply it. The ſtatute* ſpeaks of mariners being arreſted and retained for the king's ſervice, as a thing well known, and practiſed without diſpute, and provides a remedy againſt their running away. By a later ſtatute†, if any waterman, who uſes the river Thames, ſhall hide himſelf during the execution of any commiſſion of preſſing for the king's ſervice, he is liable to heavy penalties. By another‡, no fiſherman ſhall be taken by the queen's commiſſion to ſerve as mariner; but the commiſſion ſhall firſt be brought to two juſtices of the peace inhabiting near the ſea coaſt, who are to chuſe out and return ſuch a number of able-bodied men, as in the commiſſion are contained, to ſerve her majeſty. And by others‖, eſpecial protection; are allowed to ſeamen in particular circumſtances, to prevent them from being im-

* 2 Rich. II. chap. 24.

† 2 & 3 Ph. & M. chap. 16.

‡ 5 Eliz. chap. 5.

‖ 7 & 8 Will. III. chap. 21.—2 Ann. chap. 6.—4 & 5 Ann. chap. 19.—13 Geo. II. chap. 17.

preſſed.

preſſed. All which do moſt evidently imply a power of impreſſing to reſide ſomewhere, and, if any where, it muſt from the ſpirit of our conſtitution, as well as from the frequent mention of the king's commiſſion, reſide in the crown alone.

Pariſhes may bind out poor boys apprentices to maſters of merchantmen, who ſhall be protected from any impreſſing commiſſion for three years. And if then impreſſed, the maſter ſhall be paid his wages*.

A ſailor cannot be arreſted for leſs than 20l. A ſoldier for leſs than 10l.

Upon the Norman conqueſt all the lands were divided into what were called knight's fees, about 60,000; and for every ſuch fee a knight or *miles*, was bound to attend the king forty days in every year. Statute of Weſtminſter, 13 Edward I. chap. 6.—5 Henry IV.

To hang a man by martial law, is againſt Magna Charta. chap. 29. And no ſoldier can be

* 2 Ann. chap. 6.

† 1 Geo. II. ſtat. 2. chap. 14.

quartered

quartered on a ſubject by the petition of rights*.

Deſertion in time of war is felony, and triable by a jury; and before the judges of the common law. 18 Henry VI. chap. 19. and 2 & 3 of Edward the Sixth.

* 31 Cha. II. chap. 1.

OF

MASTER AND SERVANT.

THE three great relations in private life are, 1. Maſter and ſervant. 2. Huſband and wife. 3. Parent and child. In caſe of the death of parents, the law has provided a fourth relation, That of guardian and ward.

As to the ſeveral ſorts of ſervants. Slavery cannot ſubſiſt in England.

I. The firſt ſort of ſervants are *menial*, being *intra moenia*, or domeſtics; which according to contract may be for a longer or ſhorter term. All ſingle men and women, having no viſible livelihood, may be ſent to ſervices by two juſtices.

II. Another ſpecies are *apprentices*, uſu-

aly

ally bound for a term of years, to be maintained and inſtructed by their maſters. Children of poor perſons may be apprenticed by the overſeers, with conſent of two juſtices, till twenty four-years of age. And it is held, that gentlemen of fortune and clergymen, are compellable to take them; but may be diſcharged by two juſtices.

III. A third ſpecies are *labourers*.

IV. *Stewards*, *factors*, and *bailiffs*: which the law conſiders as *pro tempore*.

A maſter may maintain an action at law for his ſervant againſt a ſtranger; which he may not do for another man; or for beating or maiming his ſervant. The maſter ſhall be guilty of any treſpaſs committed by his ſervant, by his order, *nam qui facit per alium, facit per ſe*. All thoſe who uſually do buſineſs for another, whether relations or other, are deemed *quoad hoc* ſervants; and payments made to them are good in law. A man is anſwerable for whatever his ſervant may take up if he is uſually entruſted with ſums of money; but not ſo if he generally pays ready money himſelf to the tradeſman for goods. In general the maſter is an-

ſwerable for all negligences, annoyances and nuſances occaſioned by his ſervant, and this agrees with the civil law; *pater familias, ob alterius culpam tenetur, ſive ſervi, ſive liberi.*

OF

HUSBAND AND WIFE,

Or as the Old Law Books call them,

OF BARON AND FEME.

OUR law conſiders marriages in no other light than as a civil contract. The *holineſs* of the matrimonial ſtate is left intirely to the eccleſiaſtical law. And, in this civil light, the law conſiders it as valid, where the parties are willing to contract, and actually did contract in the proper terms required

Firſt, they muſt be *willing* to contract. *Conſenſus, non concubitus, facit nuptias.*

Secondly, they muſt be *able* to contract. Of this nature the diſabilities are pre-contract; conſanguinty; and affinity. But they are

are eſteemed valid to all civil purpoſes, unleſs ſeparation is made during life of the parties. If any perſons come together under theſe legal incapacities, it is a meretricious, and not a matrimonial union.

1. The firſt legal incapacity is a prior marriage, which is a felony, and the ſecond marriage is void.

2. The ſecond incapacity is want of age. But if at the age of conſent they agree to continue together, it is a good marriage.

3. Another incapacity ariſes from want of conſent of parents or guardians. By the common law and canon law, if the parties were of age of conſent, there wanted no other concurrence; but, by ſeveral ſtatutes, penalties of ſeveral kinds may be incurred.

4. A fourth incapacity is want of reaſon. The marriage of a lunatic, not being in a lucid interval, is void in law. It is held eſſential to a marriage, that the perſon performing the office be in orders; though this intervention of a prieſt is *juris poſitivi*, and not *juris naturalis aut divini*. Pope Innocent III. was the firſt who ordained the celebration to be in a church; before it was a civil contract.

Marriages

Marriages are diſſolved by death, or divorce which is of two kinds, one total, the other partial; *a menſa et thoro*, from bed and board. Adultery formerly only incurred the latter; though of late years it divorces *a vinculo matrimonii*, but allows *alimony* to the wife.

The huſband and wife are one perſon in law: the wife is *faemina viro co-operta*, or is ſaid to be *covert-baron*. All contracts between them are void. She may be attorney for her huſband; for that implies a repreſentation of her lord. If the wife be indebted before marriage the huſband is to pay the debt. She can bring no action in her own name, unleſs her huſband has abjured the realm, or is baniſhed: for then he is dead in law. In the civil law they are conſidered as two diſtinct perſons; and a woman may ſue and be ſued, without her huſband. In execution of deeds, ſhe muſt be ſolely and ſecretly examined, to learn if her act be voluntary. The diſabilities which the wife lies under, are for the moſt part intended for her protection and benefit. So great a favourite is the female ſex of the laws of England.

OF

PARENT

AND

CHILD.

THE next, and moſt univerſal relation in nature is, between parent and child.

Children are of two ſorts; legitimate and ſpurious. Legitimate is he that is born in lawful wedlock. *Pater eſt quem nuptiae demonſtrant.*

The duties of parents bind them, as to maintenance, protection, and education. If a parent runs away, the pariſh officers ſhall ſeize his rents, goods, and chattels, for thoſe

thoſe purpoſes. No perſon is bound to provide a maintenance for his iſſue, where they are able to provide for themſelves. A parent may maintain and uphold his children in law-ſuits, and quarrels. The laſt duty is, in giving them an *education* ſuitable to their ſtation in life. It is in general left to the diſcretion of thoſe in good circumſtances; yet a man incurs a penalty, who ſhall ſend his ſon to any ſeminary abroad for the purpoſe of being inſtructed in the romiſh religion.

The conſent of the parent is abſolutely neceſſary, to confirm a marriage, if the child is under-age.

An illegitimate child or baſtard, is one that is not only begotten, but born, out of matrimony; and in the caſe of a divorce, all iſſue are baſtards.

If a man is charged by a woman with-child, who is unmarried, if ſhe ſwears it, he muſt give ſecurity for its maintenance, or appear at the next quarter ſeſſions to diſpute and try the fact. A baſtard cannot be heir to any one, for being *filius nullius*, he is of kin to nobody; and was formerly incapable

pable of holding any dignity in the church. By the tranſcendent power of an act of parliament, as in the caſe of John of Gaunt's baſtard children, he may be made legitimate.

OF

GUARDIAN

AND

WARD.

THE reciprocal duties are the ſame, *pro tempore*, as between the father and child. The guardian, when the ward comes of age, is bound to give an account of all he has tranſacted on his account, and muſt anſwer for all loſſes by wilful neglect or default. In large concerns it is uſual to indemnify themſelves by acting under, and accounting before the officers of the court of chancery. For the chancelor is the ſupreme guardian of all infants, lunatics and idiots.

A male at twelve years of age may take the

oath of allegiance; at fourteen is at years of diſcretion, may conſent to marriage, chooſe his guardian, and if his diſcretion be actually proved, may make a teſtament of his worldy eſtate; at ſeventeen he may be an executor; and at twenty-one may aliene his lands, goods, and chattels.

A female at ſeven years of age may be betrothed; at nine is entitled to dower; at twelve is at years of maturity, and may conſent or diſagree to marriage; at fourteen is at years of diſcretion; at ſeventeen may be an executrix; and at twenty-one may diſpoſe of herſelf and lands. The full age of both is twenty-one years, which age is completed the day before the anniverſary of a perſon's birth; who till that time is ſtiled in law, an infant.

An infant can aliene his lands under the direction of the court of chancery, or other courts of equity. An infant who has an advowſon, may preſent to the benefice when it becomes void.

OF

CORPORATIONS.

THE firſt diviſion of Corporations is into *aggregate* and *ſole*. The firſt conſiſts of many perſons united together into one ſociety, and kept up by a ſucceſſion of members: of which kind are the mayor and commonalty of a city, the head and fellows of a college, the dean and chapter of a cathedral church.

Corporations ſole conſiſt of one only and his ſucceſſors, who are incorporated by law, to give ſome legal capacities, which they could not otherwiſe have individually. The king is a ſole corporation: ſo is a biſhop: and ſome deans: and every parſon and vicar.

Another

Another diviſion of corporations, ſole or aggregate, is into *eccleſiaſtical* and *lay*. All for the ſame purpoſe, of perpetuating a ſucceſſion of perſons neceſſary for the carrying on certain things, which may have the ſame effect, without end.—For the preſent perſon and him, or thoſe who lived ſeven centuries ago, are in law one and the ſame.

I. The king's conſent is neceſſary to the erection of any corporation, expreſsly or impliedly, by an act of the king, or preſcription. A corporation muſt have a name and by that name ſue, and be ſued, and do all legal acts.

II. A corporation has ſome things neceſſarily belonging to it. 1. To have perpetual ſucceſſion. 2. To ſue or be ſued, implead or to be impleaded, grant or receive, by it's corporate name. 3. To purchaſe lands, and hold them, for the benefit of their ſucceſſors. 4. To have a common ſeal; which binds and unites the ſeveral aſſents of the individuals. 5. To make bye-laws or private ſtatutes; which are binding upon themſelves, unleſs contrary to law.

A corporation muſt always appear by its attorney;

attorney; being in it's nature inviſible. It cannot commit crimes or miſdemeanors, nor ſuffer ſuch injuries which belong to individuals; nor can it receive puniſhment, nor is liable to attainder, forfeiture, &c.

The general *duties* of bodies politic, are, the acting up to the end or deſign, for which they were created by their founder.

III. Corporations being compoſed of human creatures are ſubject to frailties, therefore the law has appointed proper perſons to viſit, inquire into, and correct irregularities. In eccleſiaſtical corporations, the ordinary is their viſitor; in lay, the founder, his heirs, or aſſigns are the viſitors. In general the king is the ſole founder of all civil corporations, and the right of viſitation reſults to him.

Colleges are deemed lay-corporations.

IV. Corporations may be diſſolved in ſeveral ways; which diſſolution is it's civil death. 1. By act of parliament. 2. By the natural death of all it's members. 3. By ſurrender of it's franchiſes into the hands of the king, which is a kind of ſuicide. 4. By forfeiture through negligence or abuſe of it's franchiſes.

franchiſes; and the regular courſe is by a writ of *quo warranto*, to inquire by what warrant, the members hold or exerciſe their right and power, having forfeited it, by ſuch and ſuch proceedings.

LAW

OF

DESCENTS.

1. INHERITANCES ſhall lineally deſcend to the iſſue of the perſon laſt actually ſeiſed, in *infinitum*, but ſhall never lineally aſcend.

2. The male iſſue ſhall be admitted before the female.

3. Where there are two or more males in degree, the eldeſt only ſhall inherit; but the females all together.

4. The lineal deſcents in *infinitum* of any perſon deceaſed ſhall repreſent their anceſtor; that is ſhall ſtand in the ſame place, as the perſon

perſon himſelf would have done, had he been living.

5. On failure of lineal deſcendants or iſſue, of the perſon laſt ſeiſed, the inheritance ſhall deſcend to the blood of the firſt purchaſer; ſubject to the three preceding rules.

6. The collateral kinſman of the whole blood.

7. In collateral inheritances the male ſtocks ſhall be preferred to the female; that is, kindred derived from the blood of the male anceſtors ſhall be admitted before thoſe from the blood of the female, unleſs where the lands have in fact deſcended from a female.

This abſtract may ſerve as a manual or remembrancer. But for thoſe who deſire to have a full knowledge of the intentions and origins of the law; an application to the book itſelf is abſolutely neceſſary.

OF

SOME

VICISSITUDES

OF OUR

GLOBE.

TRANSLATED

FROM THE

FRENCH OF MONS. DE PAUW.

OF

SOME

VICISSITUDES OF OUR GLOBE.

TRANSLATED

FROM THE

FRENCH OF MONS. DE PAUW.

AS in this year, 1764, one may already reckon forty-nine different ſyſtems, propoſed for explaining the diſaſters and phyſical revolutions which our ſingular planet has undergone; it appeared to me leſs difficult to hazard a new one amongſt them, than to diſcuſs ſo many different opinions.

I undertake therefore, ſir, to communicate to you ſome obſervations which I have made at different times, and which in their preſent ſtate cannot be conſidered as more than the foundation of an hypotheſis.

It

It is very ſurpriſing that the three great capes or promontories of the Earth, viz. Cape Horn, the Cape of Good Hope, and that of Diemen's land (New Guinea) ſhould be turned to the ſouth. It is proper to conſider this remarkable poſition in the ſmall map of Mr. Bellin, where it is more perceptible than in the common maps of the world.

The points of the three great continents directed towards the ſouth, makes me ſuſpect that immenſe volumes of water have rolled with violence from the ſouth to the north, by different directions; and that they have made breaches wherever the ſoft and ſandy ſoils have given way to the impulſe of the ocean.* The capes, the moſt famous after thoſe which I have named, are ſituated in the ſame ſenſe, being more or leſs oblique to the ſouth pole: ſuch as Cape Comorin in

* One may ſay that the three great promontories of the Mediterranean are are alſo turned towards the ſouth; the point of Calabria, the Morea, and the Crimea. Whatſoever they may be more or leſs diverging from the points of ſouth-eaſt and ſouth-weſt is of no importance, ſince it is true, that a line drawn from theſe three promontories would cut the equator.

Aſia,

Aſia, that of Malacca in the peninſula of that name, St. Mary in Madagaſcar, Oſtokoi-nos in the peninſula of Kamſcatſka, Sandeck in Nova Zembla, Arria in the great iſland of Jeſo Gazima, Farewell in Greenland, St. Lucar in California, and that of Bahama in Florida; when one ſees all theſe objects in the great, it is unneceſſary to regard thoſe little points minutely, which advance more or leſs into the ſea; which are indiſtinctly called capes or promontories, becauſe the language of Geography is like many other ſciences, very poor in words. From whence it happens that the ideas are confounded for want of efficacious and proper terms, nevertheleſs there is a very eſſential difference between a cape which bounds a vaſt continent, or great iſland, and a cape which is only a ſaliant angle, formed by particular accidents, attending the ſinuoſity of the coaſt.

The greateſt breach the waters have made in our continent, appears between Africa and New Holland to Cape Comorin; which being formed of vaſt impenetrable rocks, it apparently divided the currents from the ſouth.

ſouth. One of theſe torrents beat out of it's firſt courſe, ſeems to have abſorbed all the ſpace occupied at this day by the Red Sea; of which the Adriatic Gulph is in my opinion a continuation. For I imagine that the ſame force which carried the waters into the land at the Babel-Mandel, made them continue to the neighbourhood of Venice, in ſurmounting the Iſtmus of Suez; which is ſince dried up, either by the retreat of the Mediterranean, or by the dimunition of the Red Sea. In examining the nature of the ſoil on the Iſtmus of Suez one may eaſily perceive that it has been formerly covered by the ſea, and Necho or Nechao, who governed Egypt more than two and twenty hundred years ago, undertook to cut through this tongue of land which incommoded him.

As to the Perſian Gulph, it ſeems to have been produced by the ſame irruption and tendency of the ocean to the north pole. The ancients were very reaſonable in ſuppoſing that the Caſpian Sea was a prolonggation of the Perſian Gulph, which has never been more probable than ſince it's exact figure is known from the charts which vice-admiral Kruys has inſerted in his great atlas

atlas of the courſe of the Volga. In running over the intermediate ſpace from the Gulph of Perſia to the Caſpian Sea on an ideal line traced between the 71ſt and 72d degree of longitude, from the Cape to that of Ferrabat, one falls upon indubitable veſtiges of the ſea's ancient bed: a wide champain country of moving ſands, mixed with fragments of ſhells and remains of marine ſubſtances. In going beyond theſe dry plains an entrance is made into the great deſart of ſand, which is 40 paraſangues to the north of Iſpahan. In the depth of this ſolitude, enormous mountains of ſalt are frequently ſpread upon the ſurface for many leagues every way. This canton is at this day called the Salt Sea by the inhabitants, although ſituated very much in the continent, and our maps name it, Mare Salſum. On the right of this region of ſalt runs a line ſandy hills which the winds have heaped together, and which are prolonged to the ſouth eaſt, even to the foot of Mount Albours, which has formerly been a large volcano, that has been extinguiſhed by the retreat of the ſea. In advancing conſtantly under the ſame meridian beyond Coucheſten the Earth inclines, and continues ſloping perceptibly to Ferrabat.

This

This line which I have deſcribed as an ancient trace or antique baſon of the ocean, penetrates the heart of Perſia, which is indeed a dry and ſterile region, where water is deficient to ſuch a degree, that without the help of artificial canals, and the invention of aqueducts, it would be difficult to ſubſiſt; as we find in reading Chardin and Tavernier.

We know that in many countries very diſtant from each other, that in digging, whole foreſts are found under the earth from twenty to ſixty feet. If theſe foreſts had been felled by the great revolutions of the Globe, they ought, according to my ſyſtem, to preſent themſelves as foſſil trees, of which the roots were turned to the ſouth, and the branches to the north. But from what I have ſeen, and from the report of others who have examined the poſition of theſe trees, buried in the bogs and marſhes of Frizeland, Holland, and Groningen, it is certain that they were found with the foot lying towards the north-eaſt, and the crown to the oppoſite point: which proves that the force which proſtrated them, was directed from the north-eaſt to the ſouth-weſt.

But why ſhould we attribute that to the general

general viciſſitudes of our planet, which may have been produced by particular accidents? It was the inundation of the Cimbric Cherſoneſus (Denmark), which according to the calculation of Picard, happened about 340 years before Chriſt, which buried the foreſts of Frizeland, and formed all thoſe drowned marſhes which reach from Schelling to Bentheim. The foſſil trees diſcovered in England, in the county of Lancaſter, have alſo long paſſed for monuments of the ſame kind; but upon examination of ſome naturaliſts, it has been found that the roots of thoſe trees had been cut with an hatchet; which, together with the medals of Julius Ceſar, that are found there at the depth of eighteen feet, ſuffice to determine pretty nearly the date of their fall; ſince it is very probable that it was the work of the Romans to drive out the ſavage Britons hidden there, after their defeat in the plains: and all Europe, if we except Italy alone, was one immenſe foreſt eighteen hundred years ago.

I have obſerved, with aſtoniſhment, that there is ſo much more dry land on this ſide the equator than beyond it, where there is more ſea.

The continent of land at the ſouth pole cannot have the extent generally aſſigned to it, for the navigators who have been acquainted with the ſouth ſea to the 55th degree of latitude on our hemiſphere, and to the 60th on that oppoſite to ours, have not fallen in with any coaſt or diſcovered any indication of ſuch great continent.* In ſhort, let one calculate however one may, we are conſtrained to allow a much larger portion of continent to be ſituated in the northern latitude than on the ſouthern, from whence the waters have made their inciſions.

It is very *mal â propos* that it has been ſuſtained by ſome philoſophers, that this unequal partition could not exiſt, under pretence that the Globe would loſe its equilibrium, for want of a ſufficient counterpoize at the ſouth pole. It is true that a cubic foot of ſalt water does not weigh equal to a cubic foot of earth; but it ought to be recollected, that under the ocean there may be ſtrata of matters, of which the ſpecific weight may vary infinitely, and that the ſmall depth of a ſea ſpread over a great ſurface,

* This was written before the voyages of Cooke, Phipps, and others.

may

may counterbalance the places, where there is leſs ſea, but where it is deeper.

I obſerve with equal ſurprize, that almoſt all that part of the Globe placed directly under the equinoctial line, is at this day covered by the ocean; which is very difficult to combine with what has been generally ſaid of the circular elevation the earth ought to have at the equator. If this elevation was ſuch as has been ſuppoſed, it is manifeſt that the waters tending to an equilibrium, would go to accumulate themſelves to the heighth of five leagues under the poles ſo that there would remain a large zone of dry land between the tropics. But one ſees by the maps, that the contrary is the fact; it muſt be agreed then, that the hydroſtatic laws are falſe and illuſory, or that it is impoſſible, that the length of the terreſtrial axis ſhould be to that of the terreſtrial equator, as 174 to 175. Mr. Buffon is not the only one who has accuſed this meaſure of a want of exactneſs,* other naturaliſts and aſtronomers

* Mr. Buffon pretends that the length of the terreſtrial equator is to that of the axis, as 230 to 229. Although this calculation ſeems to approach much nearer to the truth, and leſs to contradict the phenomena, it can

mers have equally perceived the inconvenience reſulting from this evident error of coſmography.

It is demonſtrated that a much greater degree of cold is felt in advancing towards the ſouth pole than towards the north; whilſt the ſun's courſe is within a ſecond as many degrees in one latitude as the other, and ſends an equal quantity of rays to our antipodes as to us. Nevertheleſs, there is a great difference in the heat, in the like ſeaſons, in correſpondent heights, under the ſame meridian. I have often reflected on this phenomenon, and no explication has been preſented to my mind more ſatisfactory than what has been mentioned. I would ſay, that I attribute this difference of temperature to the greater quantity of habitable land in our latitude, than beyond the equator. That which produces the effect to aſtoniſh us, is, that the ſurface of water cools the atmoſphere infinitely more than the ſame ſurface of continent: it is perceptible even on great lakes

can only be admitted as a gueſs. It is ſufficient to know that the Globe is not ſo flat at the poles as has been repreſented, and perhaps we may never arrive at the true length of the axis, and of that of the terreſtrial equator.

and

and rivers, without the aſſiſtance of the thermometer.

The augmentation of cold towards the ſouth pole, adds a new degree of probability to my opinion concerning the ſmall extent of land near that pole. If there were ſuch a depth and circumference as ſuſpected, ſo much cold could not be felt in going to the ſouth. In the northern latitude the ices are generally melted, at moſt, by the beginning of May. Veſſels get to the 79th and even to the 80th degree; but the navigators who were deſirous to advance ſouthward, have always met with fogs and ice iſlands, whether in ſummer or winter, under the ſixtieth* parallel: ſo that we have been 500 leagues, or twenty degrees, farther to the north than to the ſouth; which without doubt is very ſurpriſing. In vain would Mr. Buffon perſuade us, that the ices in the South Seas are formed by the great rivers which deſcend from the Auſtral lands: that does not reſolve the difficulty, ſince the queſtion is not how the ices are formed, but it remains to be proved why they ſhould diſſolve in ſummer in the 80th

* Capt. Phipps went to 81 N. and Capt. Cooke to 61½ S. ſince this Letter of Mr. De P.

degree

degree in our latitude, and are never melted, in any ſeaſon, in the 60th degree of oppoſite latitude. Let us agree then, that the occaſion of the cold being ſo conſtantly rigorous there, is, that the immenſe ſurface of the ocean prevents the atmoſphere from being ſufficiently heated, to diſſolve the mountains of ice which float under the ſame parallel where all the Argonauts have been ſtopt. The Preſident de Broſſes, in his Hiſtory of the Navigators to the Auſtral Continents, pretends, that this phenomenon is cauſed by the variation of the ecliptic; but I avow ſincerely that I comprehend nothing of this explication; beſides, as it is not proved that the ecliptic is ſubject to any ſuch variation, it appears to me that the Preſident ſhould have begun with a demonſtration of the cauſe, before he deduced the effect.

If a force from the ſouth has puſhed the waters to the north, another power of re-action ſhould then, and at this time, continue to bring them back towards the point from which they departed. The obſervations of the Swediſh naturaliſts leave us no room to doubt of the retreat of the ſea from the north; which has lowered a little more than

than four feet ſix inches in a century. It is very true that the clergy of Sweden, apparently hurt at this diſcovery, preſented a memorial, in 1747, to the ſtates of the kingdom, in which it accuſed all the learned of hereſy, who ſpoke or wrote in favour of this diminution of the ſea; becauſe this ſyſtem, as they ſaid, tended to weaken the blind faith we owe to the antient jewiſh books. The celebrated Mr. Olof Dalin oppoſed facts, experiments and demonſtrations, to theſe ſcandalous imputations of the clergy; to whom the ſtates impoſed ſilence, under pain of chaſtiſement: but a biſhop of Finland, Maſter John Brouaillius or Brouillonius, dared, in defiance of this wiſe command of the general diet, to publiſh a diſſertation, in which he endeavours to prove, that the fifteen philoſophers who had obſerved this retreat of the ocean, were ſo many blind men, becauſe they had no biſhopricks. I have read the whole of this diſſertation of Maſter Brouaillius, who baniſhed in his little dioceſe of Abo, does not appear to have been inſtructed in the ſtate of the queſtion in agitation at Upſal and Stockholm: he amuſes himſelf in proving that no drop of water could poſſibly be

be annihilated; and if that is a fact ſays he, why will theſe damnable Sectaries of Mr. Maillet inſiſt, that the northern ſea is lower at this time, than in that of Tycho Brahe? but Meſſieurs Dalin and Swedenburgh have never advanced that a drop of water could be annihilated, they have only concluded, that the ſea in retiring from the north, carried itſelf to the ſouth.

I am profoundly ignorant of the cauſe of the firſt progreſſion of the ocean towards the Boreal circle, as of the contrary one, which gives it the retrogade march to the oppoſite point; but if there is any juſtice in my obſervations, we ought to conclude, that there exiſts a periodical motion in nature as yet unknown, which occaſions an alternate flux of water from one pole to the other; ſo that deluges are not uncertain events, but neceſſary effects of the conſtruction of our globe: and it was the ſentiment of the ancient Egyptian philoſophers, who were, doubtleſs, the depoſitaries of a great number of memoirs and hiſtorical monuments concerning the deſtinies of our planet. Theſe philoſophers told Solon, *Certis temporum curriculis illuvies immiſſa cælitus omnia populatur, multaque et varia hominum*

*hominum fuere exitia, ideo qui ſuccedunt, et literis et muſis orbati ſunt.** From whence we may infer, that they conſidered deluges as periodical events, and the ages of ignorance and ruin of the arts, as neceſſary conſequences of them.

If the experiments made on the coaſt of Denmark and Sweden, demonſtrate to us, that at this day the waters return from the north to the ſouth, we are no longer aſtoniſhed to find more dry land on our ſide the equator, than on that beyond us. If the diminution of the ſea is perceptible in the boreal regions, as they aſſure us, ſome one will ſay, that we ought to perceive ſomething of the like in our little Mediterranean: although this conſequence is not to be eſteemed exactly juſt, yet authorities are not wanting to prove that, in effect, the Mediterranean does lower from age to age; and I cannot gueſs why Manfredi attacked this hypotheſis. He agreed, that in comparing the modern meaſurements with thoſe of the ancients, that the bottom of the Mediterranean was much higher; from whence he concludes, that the level ought to follow the ſame proportion, and to riſe equally with the increaſe of the

* Plato in Timeo.

bottom. This is a ſophiſm, or a captious reaſoning; for the Mediterranean cannot riſe above its ancient bounds, by the increaſe of its bottom: for in proportion to the elevation of that, an equal volume of water would be carried off through the ſtraights of Gibraltar; otherwiſe the coaſts, which formerly laid dry, would be drowned by becoming lower than the ſuperficies of the ſea. But in Italy we ſee an infinity of places which the ſea has abandoned, as well as the port of Ravenna; and it is impoſſible to find one place where it has intruded itſelf upon the coaſt: which muſt infallibly have happened if Manfredi had reaſoned juſtly. It muſt not be objected to what I ſay, that the Pontine marſhes have never abounded in water ſo much as in our days; for theſe marſhes are not formed, as ſome believe, by the inundations of the Mediterranean, but by the torrents and rains which deſcend from the Appenines, which ſettle themſelves more or leſs in thoſe low lands for want of canals, or iſſues, to run off.

It is abſurd to imagine, as Manfredi has done, that the bottom of the baſon of the Mediterranean has been raiſed by the ſand and

and mud introduced by the currents of the rivers; for by this reaſoning, all Egypt ought to have been excavated by the Nile, Italy by the Po, and Germany by the Danube; whereas the beds of thoſe rivers have not viſibly been hollowed within a thouſand years paſt.

The ſediment which running waters bear away with them, is not ſo conſiderable as it appears; there being a real optical illuſion in it. The waters of any river, however thick and muddy to the appearance of the ſight, does not contain quite ſixty grains of earth, in one hundred and twenty pounds of water. In ſettling ſome water of the Nile in a glaſs tube, the ſediment was found to have only the eight of a line* in a volume of water, which ſeemed to have fifty times more mud than was obtained by precipitation.

Of courſe it muſt happen that earthquakes muſt ſometimes ravage our Globe, but I doubt if they have ever been ſo deſtructive as inundations. I am aſtoniſhed that no hiſtory or tradition, ſhould ever

* A line is the 12th part of an inch.

have

have taken notice of any memorable cataſtrophe, occaſioned by earthquakes, between the 52d and 61ſt degrees of north latitude, in the heart of the continent. I do not believe that any town in Germany has ever been overturned as Liſbon was, nor has there been any ſuch example in the north of France: it is only when we advance towards the pole, or the line beyond thoſe points mentioned, that earthquakes become both frequent and terrible.

Another obſervation, no leſs intereſting, is, that the greater part of the volcanos on our hemiſphere, are ſituated on iſlands, or very near to the ſea: Hecla in Iceland, Etna in Sicily, and Veſuvius on the Mediterranean coaſt. One may reckon of ſmall volcanos, the Lipary iſlands, which often ſmoke without their having any communication with Veſuvius or Etna, as ſome have ſuſpected. Amongſt the great volcanos may be reckoned, the Paranucan in the iſland of Java, Conapy in the iſle of Banda, and Balaluan in Sumatra: the iſland of Ternate has a burning mountain equal to Etna. There are alſo volcanos in the iſlands of Ferando, Chiangen, and Ximo; in ſhort, amongſt all the iſlands,

iſlands, great and ſmall, which compoſe the empire of Japan, as well as the Manilla iſlands, they have all one, more or leſs conſiderable: the ſame in the Azores, the Cape Verd iſlands, and above all that of Del Fuego. In the Canary iſlands is the Pic of Teneriffe, which yet ſends out rolling maſſes of ſmoke; the fires of which has raiſed that immenſe pyramid of irregularly piled pieces of calcined rock, covered with cinders and lava. The iſlands of the Papous, St. Helena, Socra, Milo, and Mayn, have alſo their furnaces more or leſs illuminated.

It is impoſſible to indicate upon the whole ſurface of the continent, a twentieth part of the number of volcanos that I can name upon the iſlands; and that ſince the greater part of the burning mountains are extinct, which are ſaid to have exiſted in Aſia, as well as thoſe, the ruins of which are to be ſeen on the coaſts of Angola and Congo.

This ſingular poſition of volcanos in the iſlands makes me ſuſpect that ſea water is a neceſſary ingredient to produce the inflammation of ſulphureous and ferruginous pyrites, which ſeem to be the principal aliment of all the known volcanos. It is certain, from experiments

periments made on theſe ſpecies of pyrites, that they never burn but from being in contact with water, or a moiſt atmoſphere; which may be attributed to the property which iron has to decompoſe ſulphur by the means of water. By the lavas diſcovered in the Pyrenees, in the Alps, and the mountains of Auvergne, and Provence, and in many vallies of the Appenines, it is concluded, that all theſe places have anciently been volcanos, the lavas being of thoſe ſubſtances, whoſe origin muſt have proceeded from burning mountains.

But why are the furnaces, placed at this day on the terra firma, extinct, whilſt thoſe on the iſlands continue to burn? The cauſe, in my opinion, is very clear; which is, that the ſea having retreated from their neighbourhood, the fire has ceaſed becauſe the decompoſition of the pyrites can no longer take place in the bowels of the earth, for want of a ſufficient quantity of water. We may ſee by Tournefort's Deſcription of Mount Ararat, that there are many mouths from whence cataracts of fire have formerly been vomited, which has perſuaded me, that the ſea has formerly waſhed the foot of that mountain, which in our days is at a great

great diſtance from the coaſt; for which reaſon it neither throws out fire nor ſmoke.

To attribute the extinction of volcanos on the firm land, to the total want of philogiſtic matter, is, to propoſe a manifeſt error; ſince there is no reaſon to maintain that theſe ſubſtances ſhould have been conſumed there, rather then on the iſlands, or ſea coaſts. Veſuvius has burned more than three thouſand years; which I ſhall endeavour to demonſtrate by ſome arguments, which may perhaps be ſatisfactory to you.

In puſhing on the diggings of Herculaneum as far as have been practicable, they have at length come to the pavements of the ſtreets and foundations of the houſes of that buried city. After taking up many of the ſtones which made a part of the pavements and foundations, and examining to what claſs of Lythology they belonged, it is found, by the eſſays made, that they were of Lava cut into ſquares: ſo that we have found vitrified ſubſtances from the furnace of ſome volcano, in the time that the Auſonians, or Arrunci, built Herculaneum; which is one of the moſt ancient cities of Italy, ſince it fell under the power

power of the firſt colonies of the Greeks, or Phenicians, that penetrated Europe by the Mediterranean. It is impoſſible to fix the foundation later than 1330 years before Chriſt; ſo that three thouſand and ninety-eight years have paſſed away, from that event to our days; and as Veſuvius continues to furniſh the ſame ſort of lavas, it is a proof that it burned long before the foundation of Herculaneum, where theſe ſcoria were employed to ſtrengthen the principal edifices. Etna, at this time ſo famous for its burnings, had burnt for many ages before the birth of Homer and Heſiod. If the combuſtible matter of theſe two great furnaces of the globe have not been drained, during ſuch a prodigious lapſe of ages, we have no authority to ſuppoſe that the volcanos of our continent have been extinguiſhed from any other cauſe than the want of nouriſhment.

Veſuvius might contain in its ſolid convexity, from its baſe to its funnel, 1510, 460,879 cubic feet of earth, and other ſubſtances; nevertheleſs, if we calculate what it has thrown out of cinders, ſand, lava, pumice ſtones, pyrites, phoſphoric ſtones, pozzolane,

zolane,* ſcoria, iron droſs, bitumen, ſal-ammoniac, allum, ſulphur, and metals in fuſion, we ſhall ſee that the maſs and volume are more conſiderable than the whole body of the mountain; of which was ejected from it's funnel, in 1737, an amazing torrent of liquified matters, calculated by Franceſco Serrao at 319,658,161 cubic feet: it could not take a leſs quantity in the like flood, which ſubmerged Herculaneum and Pompeia. During the celebrated burning of Etna, in 1683, there departed from it two rivers of lava, each of thirty palms† in depth, and which overflowed eleven leagues round: *Quiſque ſuum populatus iter*. From which we may eaſily conjecture, what ought to be the capacity of the reſervoir, or rather abyſs, from whence theſe calcined and vitrified matters were extracted by the combined force of fire and water.

Whatever has been written hitherto, relative to the formation of mountains, is ſubject to ſo many difficulties, that it is impoſſible, however deſirous one may be, to be ſatisfied

* Land reſembling that of Pozzuoli in Italy.

† The Roman Palm is twelve fingers, or three quarters of a foot.

with the ſyſtems propoſed on this ſubject; which have abſolutely loſt all credit, ſince it is known, that the moſt high mountainous points, are in no part of the world covered with marine remains, ſuch as ſhells, dendrites,* or other petrifications, under whatever name they may be known: the ſea then has never ſurmounted thoſe heights, which ſo many naturaliſts have advanced, to give a conſiſtence to the vague ideas on which they have founded their hypotheſis. I can never be perſuaded that it is by the ſea that thoſe rocks have been formed, whoſe beds, of the ſame ſort of ſtone, we often ſee prolonged for a ſpace of three leagues. How ſhould the waters aſſemble ſo many ſubſtances of a ſimilar kind, and place them in another place; at the ſame time preventing all mixtures of heterogeneous matter; in the moment of coheſion of theſe lapidific particles? It is in no wiſe aſtoniſhing that fragments of ſhells are found in marbles, becauſe marbles are only co-agulations; but it has never been ſeen, nor ever will, that any ſhells are found in rock ſtone: which proves to a certainty, that this ſort of ſtone, of which whole mountains are to be found, has never

* Petrified corals.

been

been decompoſed or recompoſed by the waves of the ſea, that it is an homogenous ſubſtance, primitive, and of the age of the world. I ſhould be as well pleaſed that any body would write a Treatiſe on the Formation of the Stars, as that of theſe rocks, which have been raiſed by the puiſſant hands of creative nature, to which we are indebted for our ſmall planet, where philoſophers reaſon. It appears, that in their reaſoning upon mountains, that they have neglected to make a very neceſſary diſtinction, for they have confounded the great convex elevations with what they generally term mountains; ſuch as that of Oriental Tartary, which may be regarded as the moſt enormous protuberance upon the ſurface of the globe. To be aſſured of the certainty of this elevation, we have only to obſerve the conſiderable and vaſt rivers that deſcend from this declivity, in all it's different directions; which ſhews alſo, that this land is very high and convex, without our being able to find any ſingle mountain comparable with thoſe of Switzerland.

The principal rivers, which from this heighth ſhape their courſes towards the cardinal points, are, the Oby, which is diſcharged

charged to the north into the gulph of Obſkaia; Guba, the Geniſka or Geniſſea, which is loſt in the frozen ocean, oppoſite to the point of Nova Zembla; the Chatanga, the Lena, the Jana, and the Kowinna, all four of which fall into the ſame ocean; the Uda, and L'Amour or Sagalicin Ulla, which carry their waters towards the north-eaſt, into the ſea of Kamſkatſca; the Hoang,* or Saffron River, which riſing at Kokonor, in the country of the Eleuths, pierces the great wall of China, and after a courſe of eighteen hundred Chineſe lis, enters, by the eaſt, into the gulph of Nankin. I might reckon yet the Ganges and the Indus, which run directly ſouthward; but as they do not deſcend from Tartary, properly ſo called, I do not enumerate them; but I place here the Jalk and the Jemba, which winding to the weſt, diſcharge themſelves into the Caſpian. There are not any of theſe rivers, all larger than the Seine, which have not their riſe in Tartary; nor any of them that deſcend from this convexity, of which I have been ſpeaking, which are not more conſiderable than the Jeſuits ſay, who pretend to have meaſured them: but this enterprize would exact more Geometrical

* Called in our maps Kiang.

metrical knowledge, in taking levels, than ſuch men as Gerbillon and Verbiſt poſſeſſed.

Switzerland is, in miniature, with regard to Europe, that which Tartary is for Aſia, in the great; with this exception, that Switzerland has perpendicular mountains infinitely more elevated than that of Sabatzi-Nos, in the part of Tartary called Jakutian Siberia by the moderns. If the diminution of ſteep mountains is as effective as they are willing to perſuade us, Switzerland, from being pyramidal, will become a convex elevation at the expiration of many millions of ages.

The rains, melted ſnows, the ſprings, and torrents, which deſcend from the mountainous point, ought to detach and draw with them into the vallies, by the ſimple effort of their weight and fall, a certain quantity of earth, ſtones and ſand. The angles and ſides moſt expoſed to the action and ſhock of the air, ſhould be cracked and decompoſed; the winds ſhould ſweep away with them the ſmall particles; the pillars which ſupport thoſe vaſt maſſes of rock, which ſtand ſingly, ſhould in the end ſink under their load, and occaſion ſuch frightful overwhelmings

as

as that which cruſhed the town of Pleurs. All this is true, but the time required to decay the ſummit of a mountain and to flatten it, may alſo wear out our planet, and in the end, bring nature into the laſt ſtage of decrepitude. It ſuffices for us to begin to be, for us to ſee ourſelves condemned to a termination. Our exiſtence will laſt no more than five hundred years, if we believe Newton; who has calculated that the largeſt of the thirty-nine comets known at this time, will ſtrike ſo violently againſt the ſun in the year 2255, that there will be no hope, after that accident, of his being able to illumine the inhabitants of this world. There muſt be a great pleaſure in predicting misfortunes, ſince the wiſeſt of philoſophers could not reſiſt the inclination to prophecy, and to announce the inſtant of the combuſtion of the univerſe; a taſte for which, he moſt likely acquired in commentating the Revelations: ſo far is it dangerous to read books one does not comprehend, and more ſo yet, to write commentaries on them.

As it is upon the greateſt convex elevations of our continent that we ought to look for the moſt ancient people, there is no doubt but that, in this reſpect, the Tartars carry

carry it before all others: ſo the Greeks and Romans, however intoxicated with their own antiquity, without any ſcruple, admitted the Scythians to be the eldeſt of mankind. The paſſage, the moſt intereſting in my opinion, of the abbreviator Juſtin, is, the firſt chapter of the ſecond book, where he gives an account of a conteſt between ſome Egyptians and Scythians, concerning the antiquity of their nations. The Scythian ſaid to the inhabitants of Egypt, *Scythiam adeo editiorem omnibus terris eſſe, ut cuncta flumina ibi nata in mœotim, tum deinde in ponticum et Ægyptium mare decurrant; his argumentis ſuperatis Ægyptis antiquiores ſemper Scythæ viſi.*

There is nothing more ſurprizing, than to ſee ſome geographical aſſertions reſpecting Tartary, verified in our days; which were ſet forth by Trogeius Pompeius, who lived under Auguſtus, which he had found in ſome hiſtories much earlier than the age of Auguſtus. The Chineſe own that they deſcend from the Tartars, who deſcend from none; and who, by conſequence, merit the title of Aborigines, which ſo many nations have ſo often uſurped.

I have already obſerved, in my Philoſophical

phical Reſearches upon the Americans, that mountains, of whatever heighth they might be, could not ſerve as a ſafe retreat to the inhabitants of a country deſtroyed by inundations; becauſe, ſuch mountains being more dry and ſterile in proportion to their altitude, could not provide the alimentary plants neceſſary for the ſuſtenance of families and herds of cattle: ten perſons could not live ten days upon the ſummit of Mount Jura,§ aſſailed at once with cold and hunger. It is upon ſuch convexities as that of Tartary, where the remains of the human race might hope to find aſylum againſt the cruſh of elements and the fury of inundation.

If the Tartars had not, during their wars, ſo frequently deſtroyed the libraries formed by the learned of Thibet; if a worthleſs emperor of China had not ordered his ſubjects, on pain of death, to burn all the books* and manuſcripts

§ In Switzerland.

* The general deſtruction of Chineſe books, by a Barbarian whoſe name ought not to be pronounced; the burning of the library of Alexandria, under Julius Ceſar; the burning of a ſecond, in part, re-eſtabliſhed in the ſame place under the Caliph Omar; and the deſtruction of the ancient Greek authors, under Pope Gregory; are, in my

manuſcripts they could gather together in upper Aſia, we might, without doubt, have diſcovered in them many facts that would have thrown light on the hiſtory of our globe; which appears ſo modern when we conſult the monuments of men, and ſo ancient when we appeal to nature. A naturaliſt, whoſe ideas and deſtiny were equally whimſical, flattered himſelf, ſome years ago, that he had diſcovered the means of finding the age of petrifications; from whence a theory might be deduced to come at the age of the world: but it is a deluſion, to be perſuaded that a method, in itſelf defective, can ever lead to a reſult that is exact and juſt.

The late emperor having aſked permiſſion of the grand ſeignior, to take up ſome of the

my opinion, the moſt ſorrowful events in the hiſtory of the human kind; becauſe they have deprived us of an infinity of knowledge, which is not in the power of man to recover. The archives of the world were loſt: nevertheleſs, our chronologiſts boldly fix the epoch of the origin of all nations. To obſerve the arrogance with which they offer their vain calculations, one would imagine they had read over and over all the books, and all the manuſcripts, deſtroyed in China, Thibet, Egypt, and Rome; the titles even of which, they are ignorant.

piles on which Trajan had founded the bridge he threw over the Danube in Servia, on a close examination they found, that the petrification had advanced about three quarters of an inch, in something more than fifteen hundred years: from whence it was concluded, that a piece of wood of equal thickness, and of the heighth of forty feet, would petrify an inch in twenty centuries, and take up nine hundred thousand years to arrive at a complete transmutation: but as the trunks of petrified trees have been dug up, whose length have been forty feet, let one judge by this mode, of the time that they must have been cut down and buried. This reasoning would be admirable if it did not contain a defect, which weakens it to a degree, as to make it of no value: the paralogism consists in the supposition that there are no waters, earths, or substances of petrification, where it is carried on in a shorter time than in this part of the Danube where Trajan's bridge was situated: there are, doubtless, many places where the lapidific juices are more abundant, and where the animal and vegetable substances are sooner transmuted by the impregnation of these juices. As it is impossible to determine the

mean

mean duration of time that any body, whatever, may require to be petrified, becauſe of the infinite variety of circumſtances, earths, waters and air, and even of the poſitions of the bodies; it may eaſily be conceived that this method, incapable of being perfected, or even meliorated, can ever be of uſe to reſolve the problem to which the application was intended. In no wiſe could the piles, drawn out of the Danube, inſtruct us better than the ſhells that are ſeen in many of the ſtones uſed in building the pyramids of Egypt.

In finiſhing this letter, ſir, I ſhall endeavour to anſwer ſome objections made to that part of a work of mine, where I ſay,

That there has never been diſcovered any monuments of human induſtry, anterior to the deluge.

Some have imagined that I ought to have excluded thoſe hatchets of ſtone, that have been dug up in Sweden and Germany, from very great depths, and which muſt be of great antiquity, having been in uſe before the knowledge of iron and braſs. I allow

low that theſe monuments may be antediluvian; but they may be alſo very much poſterior to this event; for the ſavages of the new world uſe them at this day. When, therefore, if ſuch inſtruments ſhould be found a thouſand years hence in Canada, or in the woods of Guiana, whoever ſhould take them for antiquities anterior to the deluge, would entertain an erroneous opinion.

I have ſeen three ſorts of ſtone hatchets diſcovered in Germany, and by comparing them with thoſe ſent from America, I cannot obſerve the leaſt difference, either as to form or matter, except that in ſome of thoſe ſent from the new world, there have been found ſome of the pure agate; which ſort of ſtone has never been diſcovered amongſt thoſe hatchets dug up in Europe, as they ſay, from great depths. But they are alſo found in ſome Celtic tombs,* and upon the ſuperficies of the ſoil: it happened to me ſome years ago, to find a hatchet and a hammer of ſtone, not above half a foot in the ground, in a marſhy ſoil, where I was herbalizing.

* If hatchets of ſtone are found in the tombs of the ancient Celtes and Germans, they ought to be no longer thought antediluvian.

The

The pyrites ceraunias,† and other ſtones of hard ſubſtances, ſometimes argillaceous, ſometimes ſigillaceous, have moſt commonly been employed by the ſavages of both continents, before the invention of iron and braſs, to make the heads of their arrows, knives, wedges, hatchets, and hammers. Nothing can be more ridiculous, than to hear men, who ſtile themſelves natural philoſophers, ſay, that theſe inſtruments are no more than ſtones naturally ſo formed, and never deſtined to the uſes attributed to them: but a man can be but little verſed in the knowledge of foſſils and minerals, not to diſcover, at firſt ſight, that the ſtones formed by the *luſus naturae*, are very different from thoſe cut by human art. Theſe naturaliſts deſerve to be ſent to the ſavages of America, who would ſoon teach them to ſharpen a pyrite, and put a handle into it for a hatchet: where they have the double misfortune, to abound in Gold, and to want iron.

Such, ſir, are the obſervations I take the liberty of communicating to you. I could here have added ſome long remarks, upon the

† Thunderbolt ſtones.

opinions

opinions of thoſe who pretend that America has been formerly joined to Africa; but I am unwilling to make ſuch an abuſe of your time and patience.

The remarkable diſtinction between the animals of both continents, and above all between thoſe who inhabit the tropics, are conviction enough againſt the probability of this hypotheſis; of which a more ample diſcuſſion would retard the pleaſure I have in aſſuring you of the gratitude and reſpect with which

I have the honour to be,

Sir,

Your very humble, &c. &c.

3d *November*, 1768.

THE END OF VOL. FIRST.